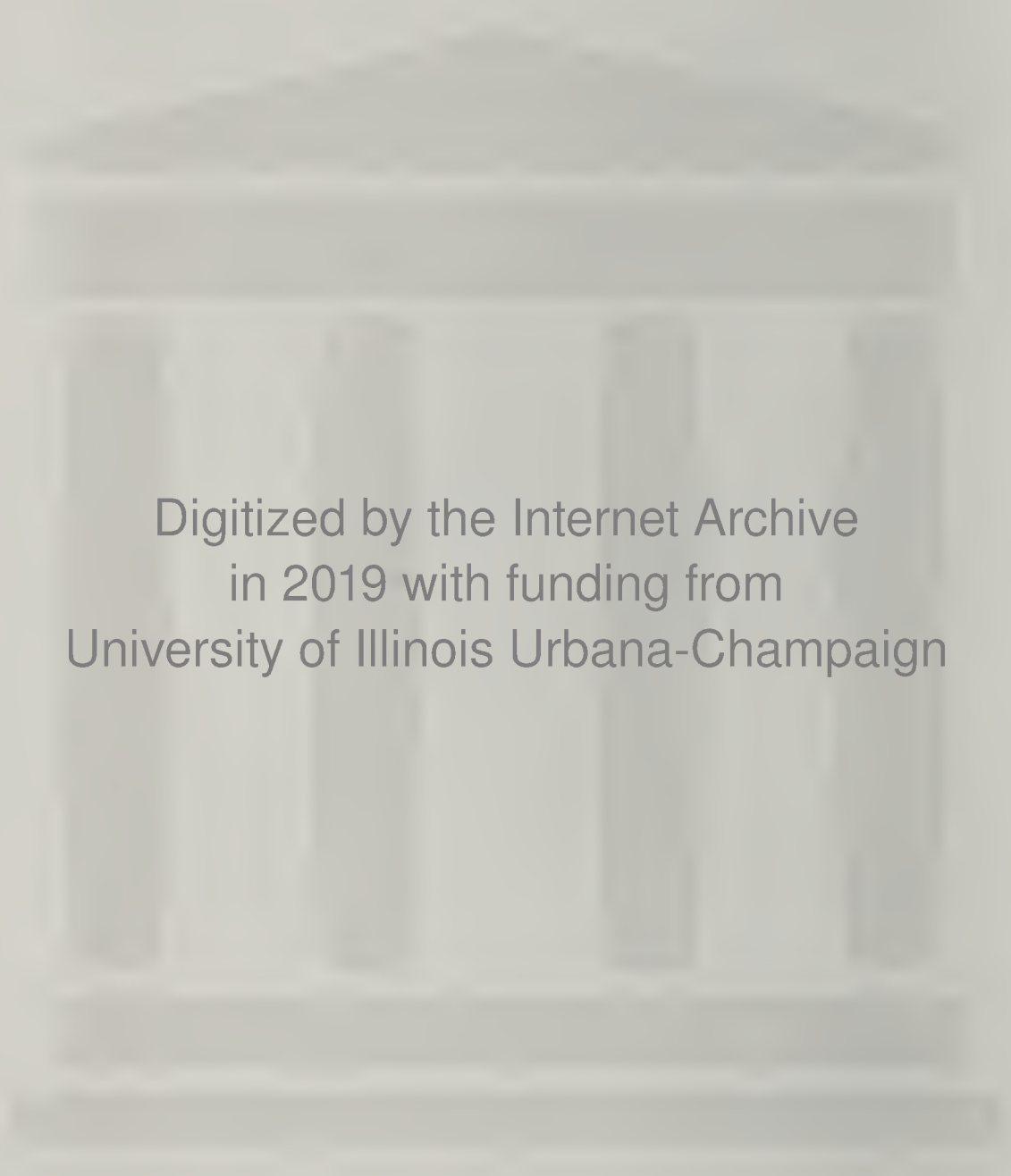


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LAWS OF MISSOURI

LAWS FOR THE GOVERNMENT OF THE DISTRICT OF LOUISIANA

1804

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1905

Louisiana (Terr.) Laws, Statutes, &c.

L A W S

FOR THE GOVERNMENT

OF THE

DISTRICT OF

L O U I S I A N A,

PASSED BY THE

GOVERNOR AND JUDGES

OF THE

INDIANA TERRITORY,

AT THEIR FIRST SESSION, BEGIN AND

HELD AT VINCENNES,

On Monday the first day of October, 1804.

Published by Authority.

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L A W S

FOR THE GOVERNMENT OF THE DISTRICT OF LOUISIANA.

I A LAW

Providing for the punishment of certain crimes.

BE it enacted by the Governor and Judges of the Indiana Territory authorised by an act of Congress to make Laws for the District of Louisiana, and it is hereby enacted by the authority of the same. That if any person belonging to, residing in, or protected by the laws of this district, shall levy war against the United States, or against this district, or shall knowingly and willingly aid or assist any enemy or enemies at war against the United States or this district, by joining the armies or fleets of such enemies, or by enlisting persuading or procuring others to join said fleets or armies, or by furnishing such enemies with arms or ammunition, or provisions, or any other article for their aid or comfort, or by carrying on a treasonable and treacherous correspondence with them, or shall form or be any way concerned in forming, any combination, plot, or conspiracy for betraying the United States, or this district, into the

Statute Book

1868

hands or power of any foreign enemy, or shall give or attempt to give or send any intelligence to any such enemy for said purpose the person or persons so offending shall be deemed guilty of treason, and upon conviction thereof shall suffer the pains of death, and shall moreover forfeit all his her or their estate real and personal to this district.

§ 2nd. *And be it further enacted* That if any person or persons, shall with malice aforethought kill or slay an other person, he she or they so offending shall be deemed guilty of murder, and upon conviction thereof shall suffer the pains of death.

§ 3rd. *And be it further enacted* That if any person or persons shall wilfully kill or slay another person without malice aforethought, he she or they so offending shall be deemed guilty of manslaughter, and upon conviction thereof shall be punished as at the common law hath heretofore been used & accustomed. *Provided nevertheless* that if any person in the just and necessary defence of his own life, or the life of any other person, shall kill or slay another person attempting to rob or murder in the field or highway, or to break into a dwelling house, if he cannot with safety to himself otherwise take the felon or assailant, or bring him to justice he shall be holden guiltless

§ 4th. *And be it further enacted*, That if any person or persons, shall wilfully and maliciously burn or cause to be burned, or shall

willfully and knowingly aid or assist in burning or causing to be burned, any dwelling house, store house, barn, stable, or other building adjoining thereto, or shall willfully burn or cause to be burned, or shall knowingly aid or assist in burning or causing to be burned, any mill, or saw mill, every person so offending shall be deemed guilty of arson, and upon conviction thereof shall suffer death and forfeit so much of his her or their estate, real and personal, as shall be sufficient to satisfy the party injured his full damages.

§ 5th. *And be it further enacted* That if any person or persons shall in the night season break open and enter any dwelling house, shop, store or vessel, in which any person or persons dwell or reside, with a view and intention of stealing and purloining therefrom, any money goods or chattles he she or they so offending shall be deemed guilty of burglary, and upon conviction thereof shall be fined in a sum not exceeding one hundred dollars at the discretion of the court before which the trial is had, to the use of the district, and find sureties for good behavior for a term not exceeding one year, and upon default thereof shall be committed to jail for a term not exceeding one year, or until sentence be performed.

That if the person or persons so breaking or entering any dwelling house, shop, store or vessel, as aforesaid, shall actually steal and purloin therefrom any money goods or chat-

ties, he she or they so offending, upon conviction thereof, shall moreover be fined in triple the value of the article stolen, one third of such fine to be to the district and the other two thirds to the party injured.

§ 6th. *And be it further enacted,* That if any person or persons so breaking and entering any dwelling house, shop, store or vessel as aforesaid, shall actually steal and purloin therefrom any money, goods or chattels, and shall commit or attempt to commit, any personal abuse, force or violence, or shall be so armed with any dangerous weapon, or weapons, as clearly to indicate a violent intention, he, she or they so offending, upon conviction thereof shall suffer death and forfeit so much of his, her or their estate, real and personal, as shall be sufficient to satisfy the party injured his full damages.

§ 7th. *And be it further enacted,* That if the death of any innocent person should ensue from the breaking and entering any dwelling house, shop, store or vessel, as aforesaid in any of the instances as aforesaid, the person or persons, so breaking and entering shall be deemed guilty of wilful murder. And all persons aiding, and assisting in breaking and entering such dwelling house, shop, store or vessel, as aforesaid, or in any of the crimes consequent, thereupon, as before pointed out, shall be deemed principals. And all aiders and abettors in any robbery as aforesaid, and in any of the crimes consequent thereupon as

before pointed out shall be deemed principals.

§ 8th. And be it further enacted, That if any person or persons shall unlawfully and forcibly, take from the person of another, in the field or highway, any money, goods or chattels, he, she or they so offending shall be guilty of robbery, and upon conviction thereof, shall suffer, as in the second instance of burglary.

§ 9th. And be it further enacted, That if any person or persons shall commit such robbery with personal abuse or violence, or be armed at the time with any dangerous weapon or weapons, so as clearly to indicate an intention of violence, he she or they so offending upon conviction thereof, shall suffer death, and shall forfeit so much of his her or their estate real and personal, as shall be sufficient to satisfy the party injured his full damage. And in case any person robbing or attempting to rob, as aforesaid, shall kill or slay any person or persons, defending him, her or themselves, or others, or his her or their property, against such robber, or robbers, or person or persons attempting to rob, or in pursuing and endeavoring to apprehend and secure such person or persons, so robbing or attempting to rob, he she or they so offending shall be deemed guilty of wilful murder. And all aiders and abettors in any robbery as aforesaid, and in any of the crimes consequent thereupon, as before pointed out, shall be deemed principals.

§ 10th. And be it further enacted, That if three or more persons shall assemble together with an intention to do any unlawful act, with force and violence against the person or property of another, or to do any other unlawful act, against the peace and to the terror of the people, or being lawfully assembled shall agree with each other to do any unlawful act as aforesaid, and shall make any movement or preparation therefor the persons so offending and upon conviction thereof shall pay as a fine each to this district the sum of twenty dollars and find sureties for their good behavior respectively for the space of six months, and stand committed until sentence be performed. Whenever three or more persons shall be assembled as aforesaid, and proceeding to commit any of the offences as aforesaid, it shall be the duty of all judges justices of the peace and sheriffs & all ministerial officers immediately upon actual view, or as soon as may be upon information, to make proclamation in the hearing of such offenders if silence can be obtained, commanding them in the name of the United States, to disperse, and depart to their several homes, or lawful employments, and if upon such proclamation or when silence cannot be obtained such persons so assembled, shall not disperse, and depart as aforesaid, it shall then be the duty of the said judges justices of the peace and sheriffs, and other ministerial officers, respectively to call

upon all persons near, and of abilities, and throughout the district, if necessary, to be aiding and assisting in dispersing, and taking into custody all persons assembled as aforesaid. And all military officers and others called upon as aforesaid, are hereby ordered and directed to render assistance and full obedience in this behalf, upon the penalty of ten dollars each, for every neglect or refusal herein and commitment in case of non-payment, if any of the persons so unlawfully assembled, shall be killed, maimed, or otherwise injured in consequence of resisting the judges, or others in dispersing and apprehending or in attempting to disperse and apprehend them, the said judges, justices of the peace, and sheriffs and other ministerial officers, and others acting by their authority or the authority of any of them, shall be holden guiltless.

§ 11th. *And be it further enacted,* That if any person or persons shall forcibly obstruct any of the authority aforesaid, or if any three or more persons shall continue together after proclamation as aforesaid made or attempted to be made, and prevented by such rioters, or in case of no proclamation any three or more persons, being assembled as aforesaid, shall commit any unlawful act as aforesaid, every offender, upon conviction thereof, shall be fined in a sum not exceeding three hundred dollars, and find surety

for good behavior, for a time not more than one year, at the discretion of the court before whom the conviction may be had. And upon a second conviction each and every offender shall be fined as aforesaid and find sureties for good behavior and the peace for a time not exceeding ten years and may be committed to a jail in the district till sentence be fully performed.

§ 12th. *And be it further enacted* That if any person lawfully called upon, to give evidence before any court of record or other authority in this district, qualified to administer oaths & solemn declarations and affirmations, shall wilfully, depose affirm, or declare, any matter to be fact knowing the same to be false or shall in like manner deny any fact knowing the same to be true, the person so offending shall be deemed guilty of perjury and upon conviction thereof shall be fined in a sum not exceeding sixty dollars, and shall moreover, be set in the pillory for a space of time not exceeding three hours, and be ever after incapable of giving testimony, being a juror, and of sustaining any office civil or military in this district. And if any person or persons shall corruptly procure any other person to commit the crime of perjury, as before defined, he she or they so offending, shall upon conviction thereof suffer the same punishments and disabilities as in the case of actual perjury.

§ 13th. *And be it further enacted*, That if

any person or persons shall steal or purloin, from another person or persons, any money, goods, wares or merchandize or any other personal property or thing whatever, he, she or they so offending shall be deemed guilty of larceny, and upon conviction thereof shall for the first offence, restore the owner the thing stolen, and pay to him the value thereof, or two fold the value thereof if the thing stolen be not restored, and shall be fined in a sum not exceeding two fold the value of the thing or goods stolen at the discretion of the court, upon a second conviction restitution and payment shall be made to the owner as aforesaid, a fine shall be set and paid to the district not exceeding four fold the value as aforesaid, and in like manner upon every succeeding conviction. And in case such convict shall not have property real or personal, wherewith to discharge and satisfy the sentence of the court, it shall be lawful for the sheriff, under the direction of the court, to bind such person to labour for a term not exceeding seven years, to any suitable person, who will discharge such sentence.

§ 14th. *And be it further enacted* That if any person or persons shall receive any goods, or other thing as aforesaid, knowing the same to be stolen, he she or they so offending shall be deemed principally guilty, and upon conviction thereof shall be punished accordingly.

§ 15th. *And be it further enacted,* That if any person or persons shall agree or compound

or take satisfaction for any stealing, or goods stolen, such person or persons upon conviction thereof, shall forfeit twice the value of the sums or thing agreed for or taken ; but no person shall be debarred from taking his goods again provided he prosecute the thief, Provided also that nothing herein shall be construed so as to oblige a parent to prosecute a child, being an infant or in a state of minority.

§ 16th. *And be it further enacted* That whoever shall forge, deface, corrupt, or embezzle any charters, gifts, grants, bonds, bills, conveyances, wills, testaments or written contracts of any nature or kind, or shall deface, or falsify any enrollment, registry or record, or matter or instrument recorded, or shall counterfeit the seal or hand writing of another, with intent to defraud, every person so offending upon conviction thereof shall be fined in double the sum he shall thereby have defrauded, or attempted to defraud another, one half thereof to the party injured, or attempted to be injured, and shall moreover, forever after be rendered incapable of giving testimony, being a juror, or sustaining any office of trust, and be set in the pillory for a space not exceeding three hours. And all persons wilfully aiding and assisting in these crimes, or who shall cause or procure, the same, or any of them to be perpetrated shall be deemed principals.

§ 17th, *And be it further enacted*, That no person shall take upon himself, or exercise or

officiate in any office or place of authority within this district without being lawfully authorised thereunto, and if any person shall presume so to do, he shall upon conviction thereof be fined in a sum not exceeding one hundred dollars

§ 18th, And be it further enacted, That if any person shall unlawfully assault or threaten another in a menacing manner, or shall strike or wound another, he shall upon conviction thereof be fined in a sum not exceeding one hundred dollars, and the court before whom such conviction shall be had, may at their discretion cause the offender to enter into recognizance with surety for the peace and good behaviour for a time not exceeding one year.

§ 19th. *And be it further enacted,* That all bonds, bills, deeds of sale, gifts, grants or other conveyances, or obligations whatever made with an intent to deceive and defraud others or to defeat creditors of their just debts or demands shall be null and void, and the person or persons so offending shall upon conviction thereof be fined in a sum not exceeding three hundred dollars and pay double damages to the party or parties injured.

The foregoing is hereby declared to be a law for the District of Louisiana. In testimony whereof we William Henry Harrison, governor, and Thomas F. Davis, Henry Vander Burgh and John Griffin, judges in and over the Indiana Territory, have here-

unto set our hands at Vincennes the 1st day of October, 1804.

WILLIAM HENRY, HARRISON,
THOMAS TERRY DAVIS,
HENRY VANDER BURGH,
JOHN GRIFFIN.

II.

A LAW

Establishing the office of Sheriff.

BE it enacted by the Governor and Judges of the Indiana territory authorised & empowered by an act of Congress to make laws for the District of Louisiana, & it is hereby enacted by the authority of the same. That there shall be appointed and commissioned by the governor in each district a sheriff who shall take the oaths of allegiance to the United States and of office, and shall give bond with two sufficient sureties in the penal sum of four thousand dollars, for the faithful discharge of the duties of his office.

§ 2nd. And be it further enacted, That the duties of each sheriff shall be to keep the peace by causing all offenders against law, in his view, to enter into recognizances, with sureties for keeping the peace, and appearing at the next general quarter sessions in the same district, and to commit in case of refusal; and which recognizances shall by the said sheriff be returned & certified before the said quar-

ter sessions, it shall also be his duty to quell and suppress all affrays, routs, riots, and insurrections : and for which end he shall and is hereby empowered to call to his aid the power of the county. He shall pursue apprehend and commit to jail all felons, and traitors ; he shall execute all warrants, writs and other process which by law shall appertain to the duties of his office, and which shall be directed to him by legal authority, he shall duly attend upon all courts of record, at their respective terms or sessions, in his district.

The foregoing is hereby declared to be a law for the District of Louisiana. In testimony whereof, we, William Henry Harrison, governor, and Thomas T. Davis, Henry Vander Burgh, and John Griffin, judges in and over the Indiana Territory, have hereunto set our hands at Vincennes the 1st day of October, 1804.

WILLIAM HENRY HARRISON.
THOMAS TERRY DAVIS,
HENRY VANDER BURGH,
JOHN GRIFFIN.

III.

A LAW

Regulating Boatmen,

BE it enacted by the Governor and Judges of the Indiana Territory, authorised to make laws for the District of Louisiana, and it is hereby enacted by the authority of the same. That

all contracts and engagements entered into by any person or persons whomsoever, for the rowing and navigating of boats or other crafts of any description on the navigable waters of the said district shall be fulfilled by the person so engaging according to the true intent and meaning thereof.

§ 2nd. And be it further enacted, That if any Boatman shall misbehave himself during the course of a voyage, neglect or refuse to do his duty, or quit the boat, it shall be lawful for any justice of the peace of the district, on complaint of the master of the boat if on board, or otherwise of the person having the charge thereof, to issue his warrant directed to any constable, commanding him to take the delinquent and to bring him forthwith before the said justice, who shall hear and determine the complaint in a summary manner, and shall have power and authority either to discharge the said offender, in which case he shall forfeit all wages due him or also to commit him to jail for any term not exceeding thirty days, unless such offender shall then and there give security to be approved of by such justice in the sum of two hundred dollars, payable to the owner or owners of the boat, conditioned that he will during the remainder of the voyage do his duty according to his engagement.

§ 3rd. And be it further enacted, That if any part of the cargo or tackling belonging to any boat shall be lost during a voyage,

through the neglect or default of the crew that then the property so lost shall be paid for, to the owner by the said crew.

§ 4th. And be it further enacted, That any justice of the peace of the territory, shall, on complaint of any person employed in navigating a boat, complaining of cruel usage from the owner, or of not being furnished with the necessary provisions, to summon the master or conductor before him and to hear and determine the same in a summary manner, and also to discharge the complainant, and to order the owner or conductor in that case to pay him the whole or such part of the wages for the trip as the said justice may think proper, saving to the party who may think himself aggrieved his right of appeal to any court of record having cognizance of the same.

The foregoing is hereby declared to be a law for the district of Louisiana, to take effect accordingly. In testimony whereof, we, William Henry Harrison, governor, and Thomas T. Davis, Henry Vander Burgh, and John Griffin, judges in and over the Indiana Territory, have hereunto set our hands at Vincennes, the first day of October, one thousand eight hundred and four, and of

the Independence of the United States the
twenty-ninth.

WILLIAM HENRY HARRISON,
THOMAS TERRY DAVIS,
HENRY VANDER BURGH,
JOHN GRIFFIN,

A LAW

Establishing Courts for the trial of small causes.

BE it enacted by the governor and judges of the Indiana Territory authorized and empowered by an act of Congress to make laws for the District of Louisiana, and it is hereby enacted by the authority of the same, That every action for debt or other demand (except such actions as is herein after excepted) shall be and the same is hereby made cognizable before any justice of the peace, within the district in which the defendant resides, or may be found, and the said justices are hereby authorized to hold a court, to hear try and determine the same according to law and the jurisdiction of every justice of the peace under this act, shall be co-extensive with the limits of the district in which he resides and his writs, precepts, and process, authorized by this act, shall run in and thro^p such district and may be executed therein and not elsewhere, and the constables of the several districts, and those only shall be ministerial officers of the said courts, and it shall

be their duty to execute and return all precepts, summons, warrants and other process issuing out of the said court, and to them or any of them directed and delivered, and to perform all acts appertaining to their office as aforesaid, and all such precepts, summons warrants and other process, shall be tested on the day on which they are respectively issued, and shall be under the hand and seal of the justice issuing the same. Provided always, that if there is not a justice of the peace residing in the said district in which the defendant lives, or if there is not a justice of the peace residing in the said district who is disinterested in the event of the suit, or who is not of kin to either of the parties in or within the second degree, it shall be lawful for the plaintiff to institute his suit before a justice of the peace in any of the adjoining districts, and the said justice is hereby authorized to take cognizance thereof any thing herein contained to the contrary notwithstanding.

§ 2d. And be it further enacted, that the first process which shall be issued against any defendant by virtue of this act, shall be a summons or warrant in nature of a *capias ad respondendum*, as the case may require, and the summons shall be used in every case under this act where the defendant is a freeholder within the district and resides within the district and the summons to be issued as aforesaid, shall specify a certain time not less than six nor more than ten days

from the date of such process, and also a certain place at which the defendant is to appear and shall be served three days at least before the time of appearance mentioned therein by reading the same to the defendant, and by serving him or her with a copy thereof if required, when the said defendant may be found, but if he or she can not be found then by leaving a copy thereof at his or her house or place of abode in presence of some person of the family of the age of ten years or upwards who shall be informed of the contents thereof, and the constable serving such warrant shall on the oath of his office, endorse thereon the time and manner of his executing the same, and shall subscribe his name thereto, Provided always, that in every case in which the summons is made the proper process by this act if it shall be sufficiently proved on oath to the satisfaction of the justice, that the plaintiff will be in danger of losing his or her demand, unless the defendant be arrested, it shall be the duty of the justice to issue a warrant, in the nature of a *capias*, any thing herein contained to the contrary notwithstanding.

§ 3d. And be it further enacted, That if the defendant does not appear at the time and place expressed in such summons, and it shall be found by the return thereon endorsed, that the summons was duly served and no sufficient reason be assigned to the justice why the defendant does not appear,

then the said justice may proceed to hear and determine such cause in the absence of the said defendant.

§ 4th. And be it further enacted, That the warrant in nature of a *capias ad respondendum*, shall be used in all cases under this act, in which the defendant is not a freeholder within the district, or does not reside within the district in which such process shall issue; and the said warrant shall be returnable forthwith, after the service thereof, and the constable serving or executing the same, shall according to the command thereof, forthwith convey the defendant before the justice who issued the same, and the said justice shall thereupon either cause the said defendant to give bail for his or her appearing, and abiding the event of the said suit, or on neglect or refusal to give such bail, shall order the constable to convey him or her to the jail of the district, there to be kept in custody until the time appointed for the trial of the cause, which shall not exceed three days from the day of the return of the warrant, or the said justice may direct the constable to hold the defendant in his custody until the plaintiff shall have notice and time to attend and proceed to trial, and the constable who served such warrant, shall on the oath of his office endorse thereon the execution thereof, and sign his name thereto.

§ 5th. And be it further enacted, That the justices shall endorse on the summons or

warrant, before the same is delivered to the constable, the sum demanded by the plaintiff together with the costs that have accrued, and the defendant shall have the privilege of paying the amount of the said demand and costs so endorsed, without further proceedings in the cause, and it shall be lawful for the constable to receive the same and receipt therefor; which shall be a full and complete discharge to the defendant from the said demand and costs, and if the constable shall not pay the money so received to the justice who issued the process, or if he shall not pay the amount of the cost into the hands of the justice and the debt or demand into the hands of the plaintiff named in such process, within the space of seven days after he may have received the same, then the said constable shall be liable to pay to the said plaintiff or to his or her legal representative, double the amount of the said debt or demand, to be recovered with costs of suit, by an action of trespass on the case, in any court having cognizance thereof.

§ 6th. And be it further enacted, that the recognizance of bail to be taken as above provided, shall be in the following form, to wit,

District set. were-

as A. B. (naming the defendant) hath been arrested, and is in custody at the suit of C D (naming the plaintiff) in an action of for the sum of now therefore you O P (naming the bail) do acknowledge yourself spe-

cial bail in the said action in the sum of dollars, to be levied on your goods and chattels and for want thereof upon your body if default be made in the condition of your recognizance, which condition is that the said A B (naming the defendant) shall be and appear before (naming the justice) on the day of next, and if judgement be given against him or her that he or she shall pay the costs & condemnation money or surrender his or her body in execution, acknowledged before me one of the justices of the peace in and for the said district the day of in the year of our lord one thousand eight hundred and

And every justice of the peace is hereby empowered to take such recognizance which shall remain with such justice, for the benefit of the plaintiff in the suit, and if the defendant does not appear after such recognizance entered into, at the time and place specified in the said recognizance, and no sufficient reason be assigned to the said justice why he or she does not appear, then the said justice may proceed to hear and determine the cause in the absence of such defendant, and when the parties to any suit, to be instituted by virtue of this act, shall appear at the time and place appointed for trial, the said justice shall proceed to hear and examine their respective allegations and proofs, and shall thereupon give judgement, with costs of suit, according to the justice and equity of the case, un-

less he shall think it proper, on the application of either party, to adjourn the trial, which adjournment shall not be made for a longer period than seven days when moved for by the plaintiff, nor for a longer period than fourteen days when moved for by the defendant.

§ 7th. And be it further enacted, That when parties agree to enter without process before a justice of the peace, any action herein made cognizable before him, such justice shall enter the same on his docket, and shall proceed to judgment and execution, in the same manner as though a summons or warrant had been issued, served and returned. And in all actions instituted by virtue of the provisions herein contained, in which the plaintiff shall be non suited, discontinue or withdraw or hermit without the consent of the defendant, the said justice shall give judgment for the defendant, for the costs which have accrued.

§ 8th. And be it further enacted, that if in any cause instituted as aforesaid, it shall appear at the trial that there is a balance due to the defendant from the plaintiff then the justice shall enter up judgement against such plaintiff in favor of the defendant, for the sum so appearing to be due with costs of suit, and such defendant shall be entitled to execution in the same manner as though such plaintiff had been the defendant in the cause.

§ 9th. And be it further enacted, That

the parties in every case arising under this act, shall have the privilege of referring the matter in controversy between them to referees who shall be chosen and mutually agreed upon between them, and who, after having heard the proofs and allegations of the parties shall make their report in writing to the justice, and the said justice shall receive and file the same, and thereupon enter judgment accordingly.

§ 10th And be it further enacted that when judgement shall be given against the plaintiff or defendant under this act the justice who gave such judgement shall grant execution thereupon returnable to such justice within twenty days thereafter commanding the constable to levy and make the debt or damages and costs, of the goods and chattels of the party, and for want of sufficient goods and chattels whereon to levy and make the same, to take the body of such party and to convey him or her to the common jail of the district, and the sheriff or keeper of such jail is hereby required to receive the person or persons so taken in execution, and him her or them safely to keep, until the sum recovered and the costs of suit be fully paid, and in default of such safe keeping the said sheriff shall be answerable to the party aggrieved who shall have the same remedy against him as is provided by law in cases of escapes, but in case the constable cannot find

goods and chattels belonging to the party against whom such execution hath issued sufficient to satisfy the judgment, it shall and may be lawful for the party in whose favor such judgment hath been rendered, to apply to the justice for a transcript thereof whose duty it shall be to grant the same, which being filed in the office of the prothonotary of the court of common pleas in the district in which the recovery hath been had, execution may issue therefrom according to the rules and practice of the said court, and the amount of said judgment together with the cost of such removal, may be levied on the lands and tenements of the party against whom the same hath been rendered. Provided always, that no execution shall issue from the court of common pleas in manner aforesaid, after the party hath been taken in execution and committed to jail, until he or she shall be discharged from imprisonment under such execution. And provided also that when judgment shall be obtained against executors or administrators execution shall issue thereon in the same manner as it is issued against them in the courts of record within this district. And provided also that when judgment shall be rendered as aforesaid against a freeholder, no execution shall issue thereon until the expiration of three months if the debt or demand be under twelve dollars, or until the expiration of six months if such debt or demand exceed twelve

dollars from the time of the render of such judgment, unless the party in whose favor such judgment hath been rendered shall make it appear on oath to the satisfaction of such justice, that he or she is in danger of losing his or her debt or damage, if such delay of execution be allowed, in which case the said justice shall issue execution forthwith as is herein above provided, unless the party against whom execution is moved for, shall immediately give good and sufficient security to the adverse party for the payment of the debt or damage and costs, within the space of three months (or six months as the case may be.) And provided also, that if judgment shall be given as aforesaid against a person who is not a freeholder, such person shall have the execution against him or her respited for the like term of three months, or six months (as the case may be) on his or her entering into recognizance to the adverse party with one sufficient security in the nature of special bail conditioned to deliver the body of the said party, to the sheriff of the district, at or before the expiration of the time so to be allowed, or to satisfy the amount of the judgment.

§ 11th. And be it further enacted, that if any defendant who is not a freeholder shall appear at the return of the warrant, or shall appear by consent without process, and procure a good and sufficient freeholder resident in the district to join with him or her in the

confession of judgment to the adverse party, with costs, then such defendant shall be entitled to all the benefits and privileges, which any freeholder is intitled to by virtue this act.

§ 12th. And be it further enacted, That every justice before whom any action shall be commenced, according to, and by virtue of the provisions contained in this act, shall open and keep a book to be stiled his docket, in which he shall make fair entries of the names of the parties to every suit instituted before him, distinguishing between the plaintiff and defendant, and in which he shall note all the process that may issue in the cause, in the order in which it issues, and in which he shall state every motion made by either party and overruled, or made, objected to and allowed, and in which he shall also enter the judgment, stating the precise amount of the debt or damages and costs, together with the day on which the said judgment was rendered.

§ 13th. And be it further enacted, That it shall be the duty of the justice to make up and tax a bill of costs, in every action instituted before him, according to the provisions of the law ascertaining the fees to be allowed in such cases, setting down in the said bill each item separately and distinctly, a true copy of which bill, certified and signed by the said justice, shall be delivered to the party against whom the judgment hath been en-

tered or left at his or her usual place of abode before such party shall be called upon to discharge or satisfy the said judgment, and every justice who shall issue an execution on any judgment, or receive the amount thereof without having previously tendered to the party against whom such judgment hath been rendered, a certified bill of costs, as above provided, or without having delivered the same to the constable to be left at his or her usual place of abode, and every justice who shall insert in the said bill of costs any charge for services not actually performed, or any higher charge for services actually performed than is allowed by law, shall forfeit and pay to the party against whom such bill hath been made and taxed a sum of money equal to the amount of cost taxed in the said suit, which sum shall and may be recovered with costs before any justice of the peace, within the district, and the jurisdiction of every justice for the purpose of prosecuting for and recovering such forfeiture shall be co-extensive with the boundaries of the district, any thing herein contained to the contrary notwithstanding. Provided always, That if the said forfeiture shall exceed the sum of ten dollars, then the same shall be recoverable by action of debt in any court of record within the district and not elsewhere.

§ 14th. And be it further enacted, That if any person or persons shall conceive him, her or themselves aggrieved by any judgment

rendered as aforesaid, it shall and may be lawful for such person or persons, at any time within the space of twenty days next after the rendering of such judgment, to appeal therefrom to the court of common pleas, next to be holden for the district in which such suit hath been tried, he she or they first entering into recognizance with at least one sufficient security, in a sum at least double the amount of the said judgment, and sufficient to answer all costs, to prosecute the said appeal with effect, and to abide the order which the court of common pleas may make therein, and upon any appeal demanded from any such judgment, the justice who pronounced the same shall send a transcript thereof to the prothonotary of the court of common pleas of the district in which such appeal is made, on or before the first day of the term next following such appeal, and all proceedings before the said justice or on any process issued by him on the said judgment shall be stayed from the time of demanding such appeal, unless the party demanding the same shall refuse and neglect to give the security above required. Provided always, That no person shall be allowed an appeal from a judgment rendered against him or her unless the same shall amount to six dollars or upwards, without costs; nor shall any plaintiff be allowed an appeal from any judgment rendered against him or her unless his or her original demand against the de-

pendant amounted to six dollars or upwards, or from any judgment given for him or her, unless the original sum demanded by him or her from the defendant shall exceed the sum recovered by twelve dollars; nor shall either party be entitled to an appeal in any case in which judgment hath been entered on the report of referees appointed as aforesaid.

§ 15th. And be it further enacted, That at the term to which any such appeal shall be made the person so appealing shall cause an entry of the suit to be made by the prothonotary of such court and the plaintiff in the court below whether appellant or appellee, shall be plaintiff in the court above, and after such entry hath been made the suit shall be considered in the same light and the parties shall proceed in all respects in the same manner as though the suit had been originally instituted in the said court and mesne process returned to the term at which such entry is made, and reference shall be had to the proceedings in the court below, no further than to include in the judgment to be rendered in the court above the costs taxed in the court below. Provided that the costs which shall accrue for services in the court of common pleas, on such appeal, shall be two third parts only of the costs allowed by law for the same services, in suits originally instituted in the said court. And provided also, that the justice who rendered the judgment from which the

appeal is made, shall not be permitted to sit on the bench when the cause is heard and determined in the court above.

§ 16th. And be it further enacted, That if the plaintiff, after an appeal hath been made and entered, as above provided, shall file a declaration in an action not cognizable by a single justice, by virtue of this act, the defendant may thereupon file his or her plea in abatement to the jurisdiction of the court and if it shall appear to the said court that the said justice had not cognizance of such suit by virtue of this act, they shall proceed to enter judgment for the defendant, with costs of suit. Provided, that such judgment shall not bar the plaintiff from a recovery in a subsequent action for the same cause, instituted in a court having cognizance thereof.

§ 17th. And be it further enacted, That whenever an appeal shall be demanded in manner aforesaid or a writ of certiorari shall be presented to a justice requiring him to certify the proceedings had before him in any cause arising under this act, it shall be the duty of such justice to make a fair and accurate transcript from his docket of all the entries contained therein, relative to the said cause, and to transmit the same forthwith to the proper court, and if it shall appear that the said justice hath not made a just and true entry on his said docket, of all the proceedings had before him in the cause

he may be compelled by a writ of mandamus, to correct and complete the said entry, and forthwith to certify the same to the proper court, and if it shall appear that any justice hath altered or changed or caused or intended to be altered or changed the entries made on his docket, in matter of substance with an intent to injure either of the parties he shall be deemed guilty of high misdemeanor, and on conviction thereof by indictment shall be fined in a sum not more than one hundred dollars nor less than fifty dollars, and shall moreover pay the costs of prosecution and shall stand committed until the fine and fees are paid.

§ 18th. And be it further enacted, That justice of the peace, by virtue of the provisions contained in this act, shall institute or sustain two or more actions or suits between the same parties for demands which are of the same nature, as by the rules or law may be consolidated in one action under the penalty of eighteen dollars to be recovered for the use and in the name of any person who shall sue for the same, in the same manner as is provided in the thirteenth section of this act, and every judgment recovered against any defendant, or defendants, by virtue of the provisions herein contained, may be pleaded in bar, and such plea shall be received in any court within the district, as a complete bar to any subsequent action or suit,

instituted by the same plaintiff or plaintiffs against the same defendant or defendants for any demand due and owing from the same defendant or defendants to the same plaintiff or plaintiffs, at the time of the instituting of the action in which such judgment shall have been obtained, if the demand on which such subsequent action or suit shall have been commenced shall be of such a nature as by the rules of law might have been consolidated and joined in one action.

§ 19th. And be it further enacted, That this act shall not be construed or understood to extend to or embrace, nor shall any thing herein contained extend to or embrace any action of debt on bond for the performance of covenants, actions of covenants, actions of replevins, or upon any real contract, actions of trespass on the case for trover and conversion or slander, actions of trespass vi et armis, or actions wherein the title of lands shall in any wise, come in question.

§ 20th. And be it further enacted, that if any person or persons shall commence, sue or prosecute any suit or suits, for any debt or demand by this act made cognizable before a justice of the peace in any other manner than is authorized and directed by this act, and shall obtain a verdict or judgment therein, for debt or damage, which without costs of suit, shall not amount to thirty dollars or more, not having caused an oath or affirmation to be made before the suing out of the

capias or summons, and filed in the office of the prothonotary or clerk of the court from whence such process issued, that he, she or they so making oath or affirmation: did truly believe the debt due or damage sustained amounted to the sum of thirty dollars, or more, he, she or they so prosecuting shall not receive any costs in such suit, any law, usage or custom to the contrary notwithstanding.

§ 211. And be it further enacted, that if in any action of trespass on the case for slander, or action of trespass vi et armis, that may hereafter be instituted in any court of record within the district the plaintiff shall recover a sum less than five dollars, such plaintiff shall be allowed to recover two thirds of the costs given by law in such suit and no more.

The foregoing is hereby declared to be a law for the district of Louisiana, to take effect accordingly. In testimony whereof, we, William Henry Harrison, governor, and Thomas T. Davis, Henry Vander Burgh, and John Griffin, judges in and over the Indiana Territory, have hereunto set our hands at Vincennes, the first day of October, one thousand eight hundred and four, and of

the Independence of the United States
the twenty ninth.

WILLIAM HENRY HARRISON,
THOMAS TERRY DAVIS,
HENRY VAN DER BURG,
JOHN GRIFFIN,

A LAW

*Ascertaining and regulating the fees of the several
officers and persons therein named.*

BE it enacted by the governor and judges of the Indiana Territory authorised and empowered by an act of congress to make laws for the government of Louisiana and it is hereby enacted by the authority of the same,

§ 1st. That no officer or person shall at any time exact or demand for services hereafter to be rendered any larger or other fee, to be taxed in the bill of costs than as is hereinafter provided.

§ 2nd The Attorney General or his Deputy's fees wherein the duty is performed by them.

	DCM.
Entering nolo prosequi for each defendant	62 5
Every process or indictment	75
Every information per sheet of seventy two words	18
Drawing all special indictments and pleadings per sheet of seventy two words	18
A copy thereof per sheet as aforesaid	18

D.C.M.

Every motion in court	62
For an affidavit demurrer, special verdict or in error or in pleas contested	3
For trial of every capital cause where life is concerned	
For the whole prosecution except for ¹⁰ drawing of the indictment or infor- mation for the trial of every other matter by bill of indictment or infor- mation	5
Term fee	75
Arguing every special motion	1 50
Making up judgment	75
Examining a witness	50
Taxing bill	75
Copy of a cost bill if before issue joined, if after issue joined;	37 1
And to the attorney general in lieu of such fees as hereafter may be chara- ble to the territory the annual sum of,	75
§ 3d, Counsellors and attorneys fees in ⁶⁰ the general court.	
In all civil actions where the title of lands do not come in question,	
In all civil actions where the title of ⁷ lands come in question,	10
For advice where the suit is not pend- ing,	3 50
§ 4th The clerk of the general court in civil cases.	
For drawing sealing and entering a writ,	84

	D.C.M.
Filing a declaration,	12 5
Entering an appearance,	12 5
Filing all other pleadings each,	12 5
Entering every rule,	18
Swearing and entering a jury,	28
The return of a writ and filing the same,	12 5
Swearing each witness,	6
Swearing a constable,	5
Taking the jurys verdict and entering the same in the minutes.	18
Special verdict drawing or engrossing per sheet of seventy-two words,	12 5
Entering judgment.	28
A retraxit or discontinuance,	12 5
Copies of records or pleadings per sheet of seventy-two words,	12 5
Attending and striking a special jury, and delivering a copy thereof to each party,	75
Filing an affidavit or other paper on re- quest,	9
Entering satisfaction of record,	18
Searching the record within a year,	18
And for every year back,	6
Drawing recognizance of bail,	25
Every continuance,	45
Entering issue joined,	50
Venue fixas,	50
Every trial,	50
Every rule of reference, for trial, to show cause, to take deposition, give security for costs for persons out of	

the territory,	17
Copy of the same if demanded,	25
Entering default of either party,	26
Commissions to take depositions	82
Taking bond on issuing writ of error or superedeas	43
For making a complete record of every cause entering a case agreed on ju- dicial verdict at large from the notes & all deeds and other evidences at large for every sheet of seventy two words	18
Certificate and seal	75
Entering case entry and docket	25
For entering each suit on the judges docket	6
§ 5th. In criminal cases.	
For every appearance	12 5
Discharge any person on bail	12 5
Every imparlance to an indictment	12 5
Drawing process against any person up- on information or other process	44
The plea to an indictment or information	6
Reading the indictment information or reward	6
Swearing every witness on trial	6
Engrossing judgment or information	18
Respiteing every recognizance	9
Taking a recognizance and entering thereof	56
Copies of all indictments, informations, and pleadings per sheet of seventy- two words	12 3

D C.M.

Relinquishing a plea	12 5
A Submission	12 5
Judgment thereon	12 5
Copy of the traverse	12 5
Every subpoena with seal for four witnesses or under	30
Every witness doore	6
Every order or rule of court	18
Taking copy of every special verdict per sheet of seventy two words	18
For the allowance and recording a warrant <i>habeo prosequi</i>	50
And to the clerk of the general court in lieu of such fees in the general court as hereafter may be chargeable to the territory the annual sum of	40
§ 6th. To the clerk of the circuit court for entering in the judges book every cause to be tried	6
Filing every nisi prius record	25
Entering every rule	18
Swearing and empannelling a jury	20
Swearing each witness	6
Swearing a constable	6
Reading every deed or piece of evidence	12 5
Filing a bill of exception or demurrer	12 5
Copies thereof per sheet of seventy-two words	12 5
Taking verdict and entering it on the minutes	20

	D.C.M
Entering every non suit	18
Entering the default of a juror and the discharge of others	18
§ 7 h. Sheriff's fees in the general court Serving a writ	75 1
2 every mile to be computed from the court house of the county to the place of defendants residence	6
Taking bail bond & copy of the same	50
Returning a writ	12 5
Mileage for returning writs to the general court from any county o- ther than the one from which the writ issued for the first forty miles,	4
And for every mile over forty	2
Summoning a jury	1 25
For proceeding to sell on any execu- tion on behalf of the United States or of any individual of this territo- ry if the property be actually sold, the commission to the sheriff shall be five per centum on the first three hundred dollars and two per cen- tum on all sums above that, and one half of such commission where the money is paid to the sheriff without seizure or where the land or goods seized or taken, shall not be sold and no other fee or reward shall be allowed on any execution except for the expence of removing	

and keeping the property taken serving a writ of possession without the aid of the posse comitatus	1 26
With the aid of the posse comitatus	3 75
Every mile from the court house	6
Executing a criminal	7 50
Calling a verdict	9
Discharging every person by pro- clamation	9
Calling plaintiff on non-suit	9
Calling defendant on recognizance	9
Calling a defendant	9
§ 8th. Jurys fees in the general court. Every jurymen in each action on which he is sworn,	25
Every juror in coming to and atten- ding a view and returning per day	75
Every juror attending court from a foreign county coming and return- ing per day,	56
§ 9th. Witnesses fees in the general court.	
Each witness attending in his own county on trial per day,	37 9
Attending from a foreign county and coming and returning per day,	56
Each witness subpoenaed in the coun- ty and detained from a foreign county per day,	56
To a witness on a duces tecum, co- ming from a foreign county at-	

tending and returning per day	56
Exceot for the judge of peace or clerk of a court attending in a foreign county with writs, records and other paper evidence, on subpoena per day	1 66
Making a list of freeholders to strike a jury	2
Serving a sciera facias and returning,	75
Every person committed to prison,	37 5
Discharge of every person out of prison,	37 5
Bringing up a prisoner by habias corpus in civil cases	1 50
Where the prisoner is actually brought, for every mile from the place of taking him,	6
Executing a writ of enquiry and returning the same,	1 50
Attending a view in the same county per day	1 87 5
The like in a foreign county per day,	1 87 5
Attending with a prisoner before a judge on his being surrendered by his bail,	1
Summoning a jury on forcible entry and detainer.	5 75
Building a mileage fee for every mile from the place of holding court	18
Copy of every writ	18
Serving a writ of attachment so much as the judge allowing the same	

shall certify	
Serving subpoena on each witness	37 5
Calling every action	9
Calling every jury	12 5
Swearing a witness	6
For opening a prisoner per day	25
For making a deed for the sale of land and which deed it is hereby made the duty of the sheriff to make	2
And to the sheriff for such fees as hereafter may become chargeable to the territory, the annual sum of	50
§ 10th Surveyors fees,	
For going to and returning from a view per day and thirty miles per day	1 25
His actual services on a view per day	1 50
For going to attending the court on trial and returning per day	1 5
§ 11th. Justices fees in the court of common pleas,	
For all actions in the court of com- mon pleas	37 5
Signing every judgment of court	12 5
Taking bail	25
Acknowledging satisfaction on record	0
Taxing and signing bill of cost	25
Proof or acknowledgment of a deed Before justice of the court of com- mon pleas	37 5
For every issue joined	50
For every trial	
Allowing writ of error, habeas cor	

pus. or certiorari when presented from the judges of the general court	50
Granting reference	25
Approving report of referees	30
On surrender of principal in court	20
Hearing petition and making order thereon	25
§ 12th. Justice of the peace their fees.	
For every warrant in a criminal case	18
On every trial of forcible entry and detainer	2 50
every precept in forcible entry and detainer	37 5
Every bond or recognizance	25
Admitting an oath	12 5
Every certificate or order upon act of relief of insolvent debtors	37 5
Every warrant order report or certificate upon an absconding act	37 5
Every appointment of trustees,	37 5
For summons or capias on debt	10
For every subpoena	10
For every name inserted after	3
Entering every judgment for debt when trial	20
Every judgment by confession of defendant	10
Every execution	20
Certified copy of all proceedings on appeals or certiorari	34
Writing signing and sealing every attachment	

Entering rule of reference on docket	01
Every return of writ of bail on civil causes	10
Issuing special bail piece	13
Swearing witnesses	6
Administering oath on deposition	10
Acknowledgment of a deed and power of attorney by every justice of the peace	25
Order for removing a pauper	50
Issuing scire facias against special bail	20
Order for relieving a pauper	6
Issuing scire facias to revive a judgment after a year and a day	22
Order to appraise damages to trespass	20
Publishing banns of matrimony	67
§ 3th Prothonotary's fees.	
Every writ of capias entering action and seal	50
A bond given by the plaintiff when he is not a resident of the territory	37 5
Filing a declaration	0
Copy of declaration or other pleadings if required per sheet each sheet containing seventy two words	6
Discontinuance or retraxit	12 5
Altering declaration in ejectment and admitting a defendant	15
Entering every motion and rule thereon	12 5
Copy of every rule when required	12 5
Bringing a particular record into court	25

	D.C.M
Entering satisfaction of record	12 s
Receiving and entering verdict	12 s
entering judgment	12
Heading and entering allowance of	
every habeas corpus writ or error or	
certiorari and the return	25
An execution	28
Transcript of the record in error and	
returning it with the writ every sheet	
of seventy two words	6
entering defendants appearance	6
Drawing and filing special in or out	
of court	28
every writ of enquiry per sheet	6
Filing every plea replication or re-	
joinder or other pleadings	6
A venire	28
Receiving and entering the pannel &	18
swearing the jury	
A habeas corpus jurisdiction	50
Subpoena for four witnesses or under	37 s
Swearing each witness	6
Swearing constable	6
Making up and entering a record of	
a judgment per sheet of seventy two	
words	10
engrossing	6
Copy of a record of a judgment when	
required per sheet of 72 words,	10
Searching the records within one year	12 s
every year back	
Copy of record per sheet of seventy	0

	D C M
two words each	10
Entering report of referees	15
On confession of judgment, default joinder or demur	25
entering rule of court on appointing referees	15
Continuing each cause	20
On surrender of principal in court by sureties	15
On every issue joined	25
On entering every principal motion	10
On every trial	25
On drawing special list of jury atten- ding and striking and making copies of jury list for plaintiff and defendant	50
Issuing commission to take depositions	50
§. 14 Clerk of the districts fees.	
For taking a recognizance and draw- ing it up in form to be paid to the clerk or other person who does the service	37 5
For engrossing every indictment and filing same	50
Subpoena for four witnesses or under	37 5
A venire or other writ	50
entering defendants appearance	9
An execution	50
Making up the record per sheet of se- venty two words	12 0
copy of the same	10
every order or rule of court	9
entering a nolo prosequi or cessat pro-	

	D.C.M
seffus	18
A venira for a jury to enquire of ri- ots forcible entries detainers &c.	50
Drawing and engrossing inquisition and returning same	6
filing record	12 5
entering the pannel and swearing the jury	25
Swearing witness and constable each	6
Reading each evidence and petition in court	6
Taking and entering verdict	12 5
Entering judgment and the fine	15
Entering defendants confession	15
Copies of indictments and pleadings if required each sheet of seventy two words	10
Receiving reading and filing every or- der brought to be allowed at the court of sessions and entering the confir- mation and recording the same a in other cases per sheet of seventy two words	12 5
For discharging a recognizance	10
Each order on recommendation for license including record	25
Reading petition and entering order of court thereon	20
For examining every account in court	10
On entering appeal allowing habeas corpus and writ of certiora-	

D.C.M

ri, when presented from the judges of the general court	12 5
Every trial	25
Continuing a cause	20
Entering nolo prosequi	12 5
Certificate and seal	75
To the clerk of the quarter sessions in lieu of all fees hereafter chargeable to the county the annual sum of	25
§ 15th. Sheriffs fees in the common pleas in civil matters.	
For serving a writ and taking into custody	50
For every mile as fixed by law	6
Every bail bond and copy of same	50
Returning a writ	9
Summoning a jury	75
Attending a view per day	2
Going and returning	1
Serving and returning a sciri facias	37 5
For proceeding to sell on any execu- tion on behalf of the United States or of any individual of this territory if the property be actually sold or the debt paid the commission to the sher- iff shall be five per centum on the first three hundred dollars and two per centum on all sums above that, and one half of such commission where the money is paid to the sheriff with- out seizure or where the lands or goods seized or taken shall not be	

D.C.M

Sold and no other fee or reward shall be allowed upon any execution except for the expence of removing & keeping the property taken

Serving a writ of possession with the aid of the posse comitatus

2 50

Every mile from the place of holding court

6

Serving such writ without the aid of the posse comitatus

1 25

For calling a jury on each cause

12 4

Every person committed to the common jail

37 5

Calling every witness

9

Discharging of every person out of the common jail,

37 5

Calling every action,

9

Executing writ of enquiry, drawing inquisition and returning same

1 50

Discharging every person by proclamation,

9

Serving a summons

37 5

For attending with a prisoner before a judge when surrendered by his bail and receiving the prisoner into custody

90

In criminal cases the like fees in the respective courts as for the like services in civil cases to be allowed where the defendant entered a nolo contendere, or on voluntary composition,

hath his fine mitigated or where the services are done at the request of, or for the ease or advantage of the defendant or prisoner or by order of court

For dieting a prisoner per day

25

To the sheriff in lieu of all fees that may be hereafter chargeable to the county the annual sum of

50

§ 16th. Juror's fees in the common pleas.

Every juryman sworn in each action

25

Every juror attending a view per day

50

§ 17th. Coroner's fees.

For the view of each body

3

Each juryman that sits on the body

12 5

For witnesses the same allowance as in the general court, serving writs in all cases the same as is before allowed to the sheriff for like services.

The fees of the coroner's inquest shall be certified by the coroner and paid by the treasurer of the county

§ 18th. Fees of the probate

For administering an oath

18

For all copies for each folio of one hundred and twenty eight words

18

for seal

75

for filing

18

for a citation exclusive of seal

50

for a letter of administration

2 50

Taking and filing a renunciation and

D.C.M

taking proof of a renunciation and
which proof the judge of probat is
hereby authorized and required to
take

50

Where a will or administration is con-
tested for hearing and determining
for proving a will endorsing a certi-
ficate recording the same and filing
it

2

for qualifying administrator taking
bond and writing certificate

2 50

1 50

for a citation when issued

50

for filing a caveat

18

for proving a codicil if proved sepe-
rately endorsing certificate recording
the same and filing it

1 50

for examining and proving an inven-
tory or account

1

for granting administration with the
will annexed

2 50

for a search

18

§. 19 Recorders fees.

For recording mortgages per sheet
of one hundred words

16

And the like fees for recording all o-
ther deeds and instruments

For copies of records and deeds per
sheet

12 5

§ 20th. Attornies fees in the com-
mon pleas and quarter sessions.

In all civil actions where the title of
lands do not come in question,

2 50

D.C.M

In all civil actions where the title
of lands do come in question \$
For advice where the suit is not pen-
ding. 1 27

§ 21st. Secretarys fees.

for copies or exemplification of re-
cords per sheet of seventy-two
words twelve and one half cents, 12 5

And for seal and certificate thereto
when required, seventy-five cents, 75

for affixing the seal to any patent,
seventy five cents, 75

for recording an extract of every pa-
tent for land where the same is not
recorded at full length 25

for recording at full length any such
patent, or the application of the pat-
ente requesting the same but not o-
therwise, for every hundred words 16

§ 22nd. Clerk of the orphans court.
Entering every judgment order or
rule of court, 20

for reading and filing every petition
and report, 12

Entering report, 15

Certificate with seal annexed to a co-
py for parties use 30

Every citation 33

Entering settlement of accounts of
executors and administrators 50

for every copy of said accounts not
exceeding one hundred items with

certificate and seal of office

Reading and filing petition to sell
land swearing administrator to the
truth of the statement made and en-
tering the necessary order thereon

67

Giving notice by order of court for
sale of lands for every advertisement
not exceeding three

25

§ 23d. And to the end all persons charge-
ble with any of the fees aforesaid may cer-
tainly know for what the same are charged
none of the fees herein before mentioned,
shall be payable by any person whatso-
ever until there shall be produced or ready
to be produced unto the person owing or
chargeable with the same a bill or account in
writing containing the particulars of such
fees, signed by the clerk or officer to whom
such fees shall be due or by whom the same
shall be chargeable respectively, in which said
bill or account shall be expressed in words
at length and in the same manner as the fees
aforesaid are allowed by this law, every fee
for which any money is or shall be deman-
ded

§ 24th. The clerks of the general and cir-
cuit courts, clerks of the quarter sessions and
prothonotaries of the court of common pleas
of this territory shall cause to be set up in
some public place in their offices and there
constantly kept, a fair table of their fees

herein before mentioned, on pain of forfeiting forty dollars for every court day the same shall be missing through their neglect. Which penalty shall be to the use of the person or persons who shall inform or sue for the same, and shall and may be recovered in any court of record within this territory by action of debt or information.

§ 25th. if any officer hereafter shall claim, charge, demand, exact, or take any more or greater fees for any writing, or other business by him done, within the purview of this act, than herein before set down and ascertained, or if any officer whatsoever shall charge or demand and take any of the fees herein before mentioned where the business for which such fees are chargeable, shall not have been actually done and performed (to be proved by the fee book of such officer upon his corporal oath) such officer for every such offence shall forfeit and pay to the party injured, besides such fee or fees, six dollars for every particular article or fee so unjustly charged, or demanded, or taken, to be recovered with costs in any court of record in this territory, by action of debt or information, provided the same be sued for within twelve months after the offence shall be committed.

§ 26th. And for the better collection of the said fees, the clerks and prothonotaries of every court respectively, shall, annually before the first day of March, deliver or

cause to be delivered to the sheriff of every county in this territory their accounts of fees due from any person or persons residing therein which shall be signed by the clerks or prothonotaries respectively.

§ 27th. And the said sheriffs are hereby required and empowered to receive such accounts and to collect levy and receive the several sums of money therein charged of the persons chargeable therewith, and if any such person or persons after the said fees shall be demanded shall refuse or delay to pay the same till after the tenth day of April in every year the sheriff of that district wherein such person resides, or of the district wherein such fees became due, shall have full power and are hereby required to make distresses of the slaves or goods and chattels of the party so refusing or delaying payment either in that district where such person inhabits or where the same fees became due. And the sheriff of any district for all fees which shall remain due and unpaid after the said tenth day of April in any year either to themselves or the sheriff of other district which shall be put into his hands to collect as aforesaid is hereby authorized and empowered to make distresses and sale of the goods & chattels of the party refusing or delaying payment, in the same manner as for other fees due to any of the officers herein before mentioned; but no action suit or warrant

from a justice shall be had or maintained for clerks or prothonotaries fees, unless the sheriff shall return that the person owing or chargeable with such fees hath not sufficient within his bailiwick whereon to make distress except where the clerk or prothonotary as aforesaid shall have lost his fee book by fire or other misfortune so that he be hindered from putting his fees into the sheriff's hands to collect, and in that case any suit or warrant may be had and maintained for the recovery thereof. And if any sheriff shall be sued for any thing by him done in pursuance of this law he may plead the general issue & give this law in evidence.

§ 28th. Every sheriff of every district, shall on or before the last day of May in every year, account with the clerks and prothonotaries respectively, for all fees put into his hands in pursuance of this law, and pay the same, abating ten per centum for collecting. And if any sheriff shall refuse to account or pay the whole amount of fees put into his hands, after the deduction aforesaid made, together with an allowance of what is charged to persons not dwelling or having no visible estate in his district, it shall and may be lawful for the clerks or prothonotaries their executors or administrators upon a motion made in the next succeeding general court, circuit court, or in the court of common pleas of the district of such sheriff, to demand judgment against such sheriff for all

fees wherewith he shall be chargeable by virtue of this law, and such court is hereby authorized and required to give judgment accordingly, and to award execution thereupon ; provided the sheriff have ten days previous notice of such motion.

§ 29th. The executors or administrators of any such sheriff or under sheriff shall be liable to judgment as aforesaid, for fees received to be collected by their testator or intestate, and accounted for. Every receipt for fees produced in evidence on any such motion, shall be deemed to be the act of the person subscribing it, unless he shall deny the same upon oath.

§ 30th. Sheriff's poundage and all other legal fees in a suit from final judgment to execution shall by the sheriff be levied out of the estate and effects of the person against whom such execution shall be issued.

The foregoing is hereby declared to be a law of the territory and to take effect accordingly. In testimony whereof we, William Henry Harrison, governor, & Thomas Terry Davis, John Griffin judges of the Indiana Territory have caused the seal of the territory to be thereunto affixed and signed the same with our names.

WILLIAM HENRY HARRISON,
THOMAS TERRY DAVIS,
JOHN GRIFFIN,

AN ACT

Establishing and regulating the militia.

BE it enacted by the governor and judges of the Indiana Territory authorised and empowered by an act of congress to make laws for the district of Louisiana, and it is hereby enacted by the authority of the same That all the male inhabitants in the district between the age of sixteen and fifty shall be liable to and perform militia duty and shall as soon as possible be formed into regiments, each regiment to consist of two battalions each battalion of not more than four nor less than three companies, and each company of not less than forty nor more than eighty non commissioned officers and privates. Provided always that when the number of militia in a district is not sufficient for a regiment they shall compose a separate battalion, or be formed into independent companies as the one or the other may be found most convenient.

§ 2nd. And be it further enacted, That there shall be appointed to each company one captain, one lieutenant, one ensign, four sergeants, four corporals, one drummer, and one fifer. To each battalion one major, and to each regiment one lieutenant colonel one commandant. The regimental staff shall consist of one adjutant, one quartermaster, and one pay master to be chosen from amongst the

subaltern officers if fit persons can be found
One surgeon, one surgeon's mate, one sergeant major, one quarter master sergeant, one drum major, and one fife major.

§ 3rd. And be it further enacted, That each militia man shall provide himself within six months from the date of his enrollment with a good musket, a sufficient bayonet and belt, or a fusée, two spare flints, a knapsack and a pouch, with a box therein to contain not less than twenty-four cartridges suited to the bore of his musket or fusée, each cartridge to contain a proper quantity of powder and ball or a good rifle, knapsack, pouch and powder horn, with twenty balls suited to the bore of his rifle, and a quarter of a pound of powder; and every enrolled person shall so appear armed, accutred and provided when called out to muster, or into service, except when called out on company days to exercise only, he may appear without a knapsack. The commissioned officers shall severally be armed with a sword or hanger and esponton, and every citizen so enrolled and providing himself with arms ammunition and accutrements required as aforesaid, shall hold the same exempted from all suits, distresses, executions or sales of debt damages, or the payment of taxes.

§ 4th. And be it further enacted, That the judges of the supreme court of the district the attorney general, clerk of the supreme court, all ministers of the gospel licensed

to preach according to their sect, all keepers of jails, and such other persons as are exempted by the laws of the United States, shall be and hereby are exempted from militia duty.

§ 5th. And be it further enacted, That every officer commissioned by virtue of this act, shall previous to his entering on the execution of his respective office, take the oath of allegiance to the United States, and the following oath or affirmation, to wit:

I do solemnly swear or affirm as the case may be) that I will faithfully and justly execute the duties of a in the militia of the according to the best of my abilities, so help me God.

which oath or affirmation shall be endorsed on the back of the commission, by the person administering the same.

§ 6th. And be it further enacted that there shall be an adjutant general appointed in the district whose duty it shall be to distribute all orders from the commander in chief of the district to the several corps to attend at public reviews when the commander in chief shall review the militia or any part thereof, to obey all orders from him relative to carrying into execution and perfecting the system of military discipline established by this act, to furnish blank forms of the different returns that may be required & to explain the principles on which they should be made to receive from the several officers of the different corps

throughout the district returns of the militia under their commands, reporting the actual situation of the arms accoutrements and ammunition, their delinquencies and every other thing which relates to the general advancement of good order & discipline all which the several officers of regiments battalions and companies, are hereby required to make in the usual manner, so that the adjutant general may be duly furnished therewith, from all of which returns he shall make proper abstracts, and lay the same annually before the commander in chief of the district. Provided always, that the adjutant general of the militia of this district be ex officio inspector general of the same.

§ 7th. And be it further enacted, That the non-commissioned officers shall be appointed by the commandants of the corps, upon the recommendation of the captains, and if any person so appointed shall refuse to perform the duties of his office, he shall be fined by a court martial in any sum not less than two nor more than twenty dollars.

§ 8th. And be it further enacted. That the bounds in which the several battalions & companies are to be called shall be fixed by a board composed of all the captains and field officers of each respectively who shall be assembled by the commandant at some convenient place for the purpose.

§ 9th. And be it further enacted That there shall be private mullers of each com-

pany once in every two months at such time and place as the commandants thereof shall appoint except in the months of December, January, February and March of every year. There shall be a muster of each battalion in the month of April in every year to be appointed by the commandants of regiments, &c. one of each regiment in the month of October in every year, unless from the dispersed situation of the companies it should be dispensed with by the commander in chief, in which case as many companies as can conveniently assemble shall be mustered at one place.

§ 10th. And be it further enacted, That every officer and soldier shall appear at his respective muster held on the day appointed by eleven o'clock; and at every muster each captain or commanding officer of a company shall direct the first sergeant of his company in his presence to call the roll at half past eleven o'clock precisely, examine every person belonging thereto, and note down all delinquencies occurring therein, and make return thereof, as well of the strength of the company, number of rifles, muskets, bayonets, fuses, &c. on parade, to the commanding officer of his battalion within ten days after any such regimental, battalion or company muster.

And every commanding officer of a battalion, shall at his regimental or battalion muster [as the case may be] at the hour on

which the battalion is formed, in like manner proceed to call the names of the commissioned officers of his battalion examine & note down all delinquencies and make return thereof together with those reports from commanding officers of companies, to the commanding officer of the regiment to which he belongs, within fifteen days next succeeding such battalion or regimental muster (as the case may be.)

§ 11th. And be it further enacted, That the commanding officers of each regiment, within twenty days next after a muster of his regiment or of the battalion of the same shall cause the adjutant of his regiment to make out a complete return, of the same (agreeably to such forms as shall be furnished by the adjutant general, not particularly its strength and number of arms) to the inspector of the brigade.

§ 12th. And be it further enacted, That if any militia man shall neglect or refuse to attend at any company muster fixed under the authority of this law, he shall be fined in a sum not exceeding seventy five cents unless he shall render an excuse to the satisfaction of the commanding officer of his corps. If any militia man shall neglect or refuse to attend at such times as may be fixed for the regular muster of his corps or shall neglect or refuse to attend at such time & place as the commander in chief may specially direct, for mas-

ter review, and exercise he shall be fined in the sum of cents unless excused as aforesaid.

§ 13th. And be it further enacted, That the fathers shall be bound for the payment of fines incurred by their sons under the age of twenty one, guardians for the payment of fines incurred by their wards, and masters for the payment of fines incurred by their apprentices, and be charged therewith by the collectors of fines accordingly.

§ 14th. And be it further enacted, That all fines collected as aforesaid and paid to the quarter masters of the regiment shall by them be appropriated under the direction of the commandant of the corps to the purchase of drums fises and colors.

§ 15th. And be it further enacted. That if any by-stander, at a regimental battalion or company muster, shall insult or otherwise molest any officer or soldier whilst on parade the commanding officer of the regiment battalion troop or company (as the case may be) may order such person or persons put under guard for any time not exceeding six hours and to pay a fine not exceeding four dollars, which shall be collected as other militia fines.

§ 16th. And be it further enacted, That whenever it may be necessary to call into actual service any part of the militia, on an actual or threatened invasion, of this district, or of any of the neighboring states that it shall and may be lawful for the governor to order

Into actual service such part of the militia as the exigency may require.

§ 17th. And be it further enacted, That if any sudden invasion shall be made or threatened to be made into any district within this district, by Indians or any other power the commanding officer of the militia of such district is hereby authorised and required to order out the whole or such part of the militia of his district as he may think necessary, in such manner as he may think best for the repelling such invasion, and shall call on the commanding officers of the adjacent districts for such aid as he may think necessary who shall forthwith in like manner furnish the same. And it shall be the duty of every commanding officer of a district on receiving information of the intended invasion, of his any neighboring district forthwith to convey information of the same by special messenger or otherwise to the governor of the district for the time being, that he may make the necessary arrangements for repelling the same.

§ 18th. And be it further enacted, That if any male as aforesaid shall neglect or refuse to appear upon the order of the commander in chief, or other officers as aforesaid for guards or other ordinary military duty or refuse to perform the same, he shall be fined in the sum of one hundred cents, which offence shall be heard and determined by the officers of the company to

which the offender may belong and upon conviction a warrant of distress shall issue from the commander of such company, directed to either of the sergeants of the same, requiring him to collect the fines aforesaid & pay the same into the quarter master of the regiment within twenty days next after issuing such warrant. For the second and all succeeding offences in the case above mentioned the person charged with having committed the same shall be heard tried and sentenced by court martials.

§ 19th. And be it further enacted That if any male inhabitant as aforesaid, shall neglect or refuse to appear and perform his duty under the orders of the commander in chief against an enemy invading the district, or shall refuse, disobey or neglect the orders given by his officers, or any of them in time of action, he shall be deemed guilty of cowardice and desertion, and be heard, tried and sentenced by a court martial.

§ 20th. And be it further enacted, That all officers shall be attentive to the forming, disciplining parading and commanding their respective corps, and to such other duties as shall respectively bind them by this law, and the orders from time to time to be given by the commander in chief.

§ 21st. And be it further enacted, That if any officer shall be guilty of a breach of this law, or in any respect violate or neglect

his duty, he shall be heard, tried and sentenced by a court martial.

§ 22nd. And be it further enacted, That a court martial shall consist of not more than thirteen members, nor less than five, whereof one at least shall have rank superior to that of captain.

§ 23rd. And be it further enacted, That all court martials shall be appointed by the commander in chief, or the commanding officers of a regiment or battalion ; but the commander in chief only shall have the power of approving and carrying into effect sentences of court martials, whereby the punishment shall be capital, or an officer cashiered.

§ 24th. And be it further enacted, That when in the opinion of the commander in chief, such corps can be conveniently raised and equipped, independent troops of horse, and companies of artillery, grenadiers, light infantry and rifle men may be formed, which shall be officered, armed, and wear such uniforms as the commander in chief shall direct.

The foregoing is hereby declared to be a law for the district of Louisiana, to take effect accordingly. In testimony whereof, we, William Henry Harrison, governor, and Thomas T. Davis, Henry Vander Burgh, and John Griffin, judges in and over the Indiana Territory, have hereunto set our hands at Vincennes, the first day of October,

one thousand eight hundred and four, and of the Independence of the United States the twenty-ninth.

WILLIAM HENRY HARRISON,
THOMAS TERRY DAVIS,
HENRY VANLER BURGHE,
JOHN GRIFFIN,

A LAW

Regulating county rates and levies.

BE it enacted by the governor and judges of the Indiana Territory authorized and empowered by an act of congress to make laws for the district of Louisiana, and it is hereby enacted by the authority of the same;

§ 1st. That all houses in town, town lots, out lots, and mansion houses in the country, which shall be valued at two hundred dollars and upwards, and all able bodied single men, who shall not have taxable property to the amount of four hundred dollars, all water and wind-mills, and ferries, all stud horses, and other horses, mares, mules and asses, three years old and upwards, all neat cattle three years old and upwards, all bond servants and slaves, except such as the court of quarter sessions shall exempt for infirmities, between sixteen and forty years of age, within this district, are hereby declared to be chargeable, for defraying the county expences, in which they may be respectively

found, to be taxed and collected in such manner and proportion as herein after directed.

§ 2nd. And be it further enacted, That the sheriffs in the several districts within this shall and are hereby empowered and required as herein after mentioned, to receive from each and every person or persons chargeable with taxes under this law, a written list under oath, containing a just and true account of all and every species of property in his or her possession or care, subject to taxation under this law, and the said sheriffs respectively, are hereby empowered and directed to administer the following oath or affirmation to such persons. I, A B, do solemnly swear or affirm, [as the case may be] that this list signed by me, contains a just and true account of all persons, and of every species of property in my possession or care within this district and that no contract, change or removal has been made or entered into, or any other method devised, practised or used by me in order to evade the payment of taxes.

§ 3rd. And be it further enacted, that the said sheriff shall advertise at the county town and also in each and every township in their

that he will attend at a convenient place therein to be mentioned not within five days of such advertisement in each township to receive of each person a list of all the taxable property which they possess as above-mentioned, and the said persons are hereby

required to attend, at such time and place in their respective townships theretor accordingly.

§ 4th. And be it further enacted, That if any person or persons shall give or deliver to a sheriff a false or fraudulent list of persons or property subject to taxation or shall refuse to give a list on oath or affirmation; at such time and place, to the sheriff the person or persons so refusing shall be liable to a fine of fifteen dollars, and the sheriff shall proceed to list such person or persons property agreeably to the best information he can procure, and all such property so ascertained shall be moreover subject to a triple tax to be collected and distrained for by the sheriff of the as in other cases, and in the case of an imperfect false or fraudulent list, the person or persons giving the the same shall be subject to pay a fine of fifteen dollars, and the property subject to a triple tax which fines and triple tax shall be recovered in the court of common pleas by the following mode of proceeding and applied as herein after directed.

§ 5th. And be it further enacted, That the sheriff shall give information thereof personally or if unable to attend in writing under his hand to the next court of common pleas held for his which court shall forthwith direct the prothonatary to issue a summons requiring the party to appear at the next court to be held for the

to shew cause if any he can, why he should not be fined and triply taxed, for giving an imperfect or fraudulent list of his or her taxable property and the person or persons upon being served therewith by the coroner, and appearing shall immediately plead to issue, and the matter thereof shall be enquired into by a jury or the court at the defendant's option, and on conviction or the person not appearing being summoned the fine and triple tax, shall be established by the judgment of the court, who unless good cause shewn at the next succeeding court, for such failure, shall award execution for the fine and costs and certify the amount of the tax to the sheriff for collection, the amount of which fine after deducting thereout such allowance as the court may think reasonable to make the coroner for his extraordinary trouble on the occasion, shall be applied towards lessening the county levy, and the triple tax shall be charged to the sheriff and accounted for in like manner as other taxes.

§ 6th, And be it further enacted, That every person or persons having knowledge of any incorrect false or fraudulent list being given a sheriff shall give information thereof either to a sheriff or the county court of common pleas in like manner as the sheriff is directed and thereupon the same mode of proceedings shall be had, as if the sheriff gave information and the person informing shall be enti-

tled to receive one half of the fine imposed on the offender or offenders, to his own use the other half to be applied towards lessening the county levy.

§ 7th. And be it further enacted, That in case any person taxable should not attend at the time and place notified by the sheriff to give in a list of his taxable property and it should appear to the sheriff that such absence was not intentional, or done with a view of avoiding the delivery of such list, it shall be lawful for the sheriff to receive his or her list at any time at the dwelling house of the sheriff provided such person tenders his or her list, to the sheriff and makes oath to the justness of it, on or before the twentieth day of March annually and in case of failure the sheriff shall proceed in like manner as is before directed in case of refusal, to give in lists and the court shall determine upon the circumstances whether to inflict or remit the fine and triple taxes.

§ 8th. And be it further enacted, That the sheriffs in the several throughout this district shall and they are hereby required to make two fair and complete lists of the persons and property so taken in, and arranged in alphabetical order in manner following to wit :

Names of persons.					
Number of bond servants and slaves.					
Number of horses &c. above three years old.					
Number of neat cattle above three years old.					
Number of stud horses.					
Rate the season.					

One of which he shall keep, and the other together with the vouchers taken by him as aforesaid shall deliver to the clerk of the court of quarter sessions on or before the last day of March yearly, which list and vouchers the clerk shall file in his office, and the clerk of the said court shall make thereof a true transcript which he shall lay before the court at the same term at which they audit the public accounts for their examination and allowance.

The bill of tax being allowed by the said court, they shall annex thereto their warrant, under the hand and seal of the presiding justice, and the clerk of the said court shall, ten days thereafter, deliver the same to the sheriff for collection, for which, and for all other services, rendered under this law, the said clerk shall receive from the

ten dollars. Every sheriff so charged, shall collect all sums for which he is accountable within four months after he is charged with the collection of the same, and shall be allowed in full compensation for his trouble in taking in the property and collecting the levy ten per centum on all sums by him collected, and the said sheriff shall previously to his entering upon those duties take and subscribe before any justice of the peace the following oath or affirmation, "I do solemnly swear or affirm (as the case may be) that I will faithfully and impartially execute the office of a collector of _____ according to the best of my abilities." Which oath shall be filed by said justice with the clerk of the court of quarter sessions, and the said sheriff enter into a bond in the penalty of two thousand dollars payable to the governor of the _____ and his successors in office, with two or more responsible sureties, and bound for the faithful collection, accounting for and paying the sums where with he shall be chargeable as collector of the _____ in manner directed by law; and every sheriff so charged to collect the taxes and levies, may appoint one or more deputies to assist him as well in taking in the property, as in the collection of the levy, for whose conduct he shall be answerable, which deputies shall have the same power as the sheriff himself, and such sheriff shall have the same remedy and mode or recovery against his deputies, or either of

them, and their sureties respectively for any sums or money which by virtue of this law such sheriff may be subject to the payment of on account of the transactions of any of his deputies, as he himself is subject to by law ; and all monies collected by the sheriff as aforesaid, shall remain in his hands subject to the orders of the court of quarter sessions of each respectively for the payment of the debts of the

§ 9th. And be it further enacted, That the following rate of taxation be observed by the court of quarter sessions in levying the tax, viz on each horse, mare, mule or ass, a sum not exceeding fifty cents, on all neat cattle as aforesaid a sum not exceeding ten cents, on every stud horse a sum not exceeding the rate for which he stands at the season every bond servant and slave as aforesaid a sum not exceeding one hundred cents, and every able bodied single man of the age of twenty-one years and upwards, who shall not have taxable property to the amount of four hundred dollars a sum not exceeding two dollars nor less than fifty cents.

§ 10th. And be it further enacted, That it shall be the duty of the court of quarter sessions throughout this district, at the first term next after the last day of March annually, and at other special sessions as they shall appoint, to proceed and audit and adjust all claims and demands against their allowing all just claims and demands, which now

are or hereafter shall be chargeable upon the said respectively.

§ 11th. And be it further enacted, That the several courts of quarter sessions throughout this district at their court preceding the thirty-first day of March annually, appoint two discreet freeholders in each township, who shall proceed to appraise and value each house in town, town lot, town out lot, and mansion house in the country of the value aforesaid, and also shall appraise and value all water and wind mills, situate on such tract of the country as may be assigned to them respectively by the court of quarter sessions, taking into view the situation and value of the same, and the said freeholders, after having fixed such valuation, shall proceed and make two fair alphabetical lists thereof, stating the proprietors or occupiers of such lots and mills with the valuation of each annexed to the same, in form following, viz.

Proprietors owners or occupiers names.	Town lots and out lots.	Wind and water mills.	Houses, &c.	Valuation in dollars.
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One of which lists of valuation the said freeholders shall keep and deliver the other to the quarter sessions at the next court to be

held for said which lists shall be filed by the clerks in their respective offices, and the said quarter sessions shall at the same time when they lay the tax, levy a sum not exceeding thirty cents on each hundred dollars of such appraised value.

§ 12th. And be it further enacted, That it shall be the duty of the court of quarter sessions throughout this district, at the same term at which they audit the public accounts of the sheriff for monies collected and paid by him as aforesaid and having allowed all such claims and demands against the as are just and reasonable to proceed to ascertain the probable expences of the county the aggregate amount of claims allowed and also such sum or sums of money as will be necessary to carry into effect any contract that shall have been made for building or repairing any county jail, court house or bridges, adding thereto the expence of collection, &c. such other sum or sums of money as the said court of quarter sessions shall conceive needful to make good deficiencies in collections, insolvencies, delinquencies and other contingencies. And the said court shall take into view the money (if any there be) in the treasury, the probable amount that will be received from licences, to vend and retail merchandize, tavern licenses, and taxes on ferries, and other sources of county revenue, such as fines, forfeitures, &c. after which the said court shall proceed to levy a tax up-

on the owners proprietors or occupiers of all & singular, the objects of taxation pointed out by this or any other law, having due reference to the returns of the sheriffs and freeholders aforesaid, and the rule of taxation, truly appraising such tax upon all objects, taxable by this law, so as to raise a sum of money sufficient to answer and satisfy all demands, then existing against the said county, or which shall afterwards become due by virtue of any contract or contracts by the said court of quarter sessions in behalf of the county as aforesaid, previously made and entered into, and to answer such other contingent county expenses, as the necessities of said county may require.

§ 13th. And be it further enacted, That from and after the first day of March next every person within this district being owner or occupier or possessor of merchandize, other than the produce or manufacture of this district shall previously to offering the same for sale by himself or agent within the district or on any of the waters within or bounding the same pay to the sheriff for the use of the county, in which he or she resides, or offers such merchandize for sale, the sum of fifteen dollars for each store or stand, in which he or she may vend any such merchandize and the sheriff on receipt thereof shall give such person paying as aforesaid a certificate in the words following, viz.

District of Upper Louisiana.

The day of one thousand eight hundred and This certifies that A B is authorized to vend merchandize within this district for one year from the date hereof the said A B having this day paid to me C D Sheriff of the said the sum of fifteen dollars it being the annual tax imposed on the retailers of merchandize by a law of this district

C D Sheriff of the of

Any person obtaining a certificate as aforesaid shall be authorized to vend and sell merchandize by retail in this district for one whole year from the date of the same and no longer. And if any person or persons shall after the first day of March next, presume by himself or agent to vend or sell any kind of merchandize within this district or on any of the waters aforesaid not the growth or manufacture of this district not having obtained a certificate as aforesaid he she or they so offending shall for every such offence forfeit and pay a sum not exceeding eighteen dollars to and for the use of the in which the offence shall have been committed to be recovered at the suit of the Sheriff whose duty it is hereby made to prosecute therefor before any court proper to try the same. — And the Sheriff is hereby required to keep a fair account of all monies received as aforesaid, and also a regular account of the dates of all the certificates given by him to retail-

ers or venders of merchandize under this law and it shall be the further duty of the sheriffs respectively to lay the same before the court of quarter sessions at the same term at which they audit the public accounts annually.

§ 14th. And be it further enacted, That it shall be the duty of the court of quarter sessions in each and every district at their session next after the thirty first day of March annually to fix and establish a reasonable tax or duty upon each ferry within their respective districts, the said court in fixing said tax to take into consideration the value and income of said ferries, provided that no one ferry shall be taxed in one year more than ten dollars. And it shall be the duty of the courts of general quarter sessions when they lay the district levy, to tax the owners or proprietors of such ferries accordingly.

§ 15th. And be it further enacted, That if any sheriff shall take demand or receive of any person from whom taxes are due, more than his, her or their proper taxes, or shall in any sale of property taken for taxes, act contrary to the true intent and meaning of this act, or shall neglect or refuse to render a just and true account of all such sales to the district court of quarter sessions, he shall forfeit and pay any sum not exceeding one hundred dollars, to be recovered by action of debt, qui tam, or by indictment before any court having jurisdiction, the one half to the person suing for the same, the other half to

the use of the district, and moreover be subject to the suit of the party injured for damages.

§ 16th. And be it further enacted, That all sheriffs shall settle and close their accounts annually with the district courts of quarter sessions, at the second term after the period at which they are obliged by this law, to finish the collection of the taxes, and shall in their settlement be credited for all the orders of the said court by them produced, and by such deficiencies arising from delinquencies and insolvencies as the said court shall allow, together with the commission and paying the monies by them received, but should any such sheriff fail or neglect to settle his accounts in manner aforesaid, it shall be the duty of the attorney prosecuting the pleas in the respective districts on giving such delinquent sheriff and his security their executors or administrators ten days notice thereof in writing, delivered personally or left at their usual place of abode, on motion to obtain a judgment against them before any court having competent jurisdiction for the amount due such district, with an interest of twelve per cent thereon from the time the same became due. Provided always, That if any such delinquent sheriff shall produce his account authenticated as aforesaid to the court to which he is notified, judgment shall not be taken for more than the balance due the county with interest as aforesaid.

§ 17th. And be it further enacted, That the several courts of quarter sessions shall have power and they are hereby authorized to make and enter into contracts in the name, and on behalf of their said district for building a new or repairing district jails, courthouses, pillories, stocks and whippingposts and district bridges, when and so often as the courts of quarter sessions may conceive the interest or convenience of said districts may require. And the better to carry such contract into operation the said courts respectively may appoint one or more persons to superintend such building or repairs, and to see that the same is done agreeably to the conditions of such contract and to make reasonable allowances to such person or persons for his or their services therein. The original contracts so by the said courts to be made for the purposes aforesaid shall be filed in the office of the clerk of the said court. And the said courts are hereby authorized and required to pass, audit and allow the accounts and demands arising under such contracts made by said courts the same being certified by three justices of said court, and to draw orders in favour of such creditors in like manner as they draw other orders on the treasury. Provided always, that no such contracts by the said courts to be made shall be of any force or authority to warrant the said court to allow or pass any accounts or demands arising thereon unless the person contracting with the said court

shall enter into bond with one or more sufficient surety or sureties to be approved of by the said court in double the sum of said contract payable to the justices of said courts for said district, or their successors in office, conditioned for the faithful performance of such contract, which bond when executed shall be lodged with the clerk of said court, in trust for said district.

§ 18th. And be it further enacted, That if any justice of the peace, sheriff as collector, coroner, clerk of the sessions lister or freeholder shall neglect or refuse to do or perform any of the duties required of them or either of them by this law, he, she or they shall forfeit and pay any sum not exceeding one hundred dollars to be recovered before any court having jurisdiction by action of debt, qui tam, or indictment, one moiety to the person suing for the same, the other to the use of the district.

§ 19th. And be it further enacted That if any person charged with district taxes or levies by virtue of this act, shall neglect or refuse to pay the same to the collector or his deputy within three months next after the court of quarter sessions at which the district tax or levy is or shall be approved, the collector or his deputy shall have power to take the property of such delinquent (he first having demanded the same, and furnished such person with the sum, of his or her tax ten days before such distress made, or having left a copy of such tax, ten days as aforesaid or

the usual place of abode of such delinquent) and may proceed to sell the same to the highest bidder, Provided always, that ten days previous notice of such sale be given by advertising the same at the most public place in the township where such delinquent resides. And provided also that the delinquent may at any time before the property distrained be sold, ask for demand and receive the same on tendering his or her taxes then due, and the expences of keeping the property distrained; and in case the property taken sells for more than the taxes that are due, the collector shall pay the overplus, (after deducting reasonable expences for keeping and taking care of such property) to the person from whom the same was taken, and the said collector shall keep a fair and regular account of all such sales, stating particularly what he detained for his trouble in keeping the property &c. and lay the same before the court of quarter sessions who shall examine the same, and if they find the collector has acted in any wise improper, they shall forthwith see justice done to the party injured.

§ 20th And be it further enacted, That it shall be the duty of the house holders in each respective district to give in to the sheriff at the same time that they deliver in a list of their taxable property and under the like penalties the names of all single men (above the age of twenty one years and who have not taxable property to the amount of four

hundred dollars) who lodge or dwell in their respective houses and if any such single man, &c. as above mentioned, shall neglect or refuse, on application being made to him for the purpose by the sheriff or his deputy to pay his tax, it shall be lawful for such sheriff or deputy to commit such delinquent to the district jail where he shall remain until the said tax shall be paid, unless some responsible person in the opinion of the sheriff shall be forthcoming therefor.

§ 21st. And be it further enacted, That the office of district treasurer in each of the districts within this district shall be performed by the sheriffs in each of the districts respectively who shall be allowed two per centum on all the monies by them paid upon the orders of the court of quarter sessions or otherwise conformable to law.

The foregoing is hereby declared to be a law for the district of Louisiana, to take effect accordingly. In testimony whereof, we, William Henry Harrison, governor, and Thomas T. Davis, Henry Vander Burgh, and John Griffin, judges in and over the Indiana Territory, have hereunto set our hands at Vincennes, the first day of October, one thousand eight hundred and four, and of the Independence of the United States the twenty-ninth.

WILLIAM HENRY HARRISON,
THOMAS TERRY DAVIS,
HENRY VANDER BURGH,
JOHN GRIFFIN,

A LAW
Establishing Courts of Judicature.

BE it enacted by the governor and judges of the Indiana Territory authorised and empowered to make laws for the district of Louisiana, and it is hereby enacted by the authority of the same,

§ 1st. That there shall be a court styled the general quarter sessions of the peace holden and kept four times in every year, in every district, viz. In the district of Saint Charles on the first Tuesdays of July, October, January and April yearly and every year, in the district of Saint Louis on the third Tuesdays of June, September, December and March, yearly and every year; in the district of Saint Genevieve, on the second Tuesdays of June, September, December and March, yearly and every year; in the district of Cape Gerardeau, on the third Tuesdays of June, September, December & March, yearly and every year; and in the district of New-Madrid, on the last Tuesdays in June, September, December and March, yearly and every year.

§ 2nd. And be it further enacted, That there shall be a competent number of justices in every district, nominated and authorised by the governor, by commission under the seal of the which said justices or any three of them shall and may hold the said general sessions of the peace according to law.

§ 3rd. And be it further enacted, That the said justices of the peace or any three of them shall and may pursuant to their said commissions hold special and private sessions, when and as often as occasion shall require. And the said justices and every of them shall have full power and authority in or out of court to take all manner of recognizances, and obligations as any such justice of the peace, in any of the United States, may, can or usually do ; which said recognizances and obligations shall be made to the United States. And all recognizances for the peace behaviour, or for appearance which shall be taken by any of the said justices out of sessions shall be certified into their said general sessions of the peace to be holden next after the taking thereof ; and every recognizance taken before any of them for suspicions of any manner of felony, or other crime not triable in the said court of general quarter sessions of the peace, shall be certified before the judges of the general court, or court of oyer and terminer, at their next succeeding court to be holden next after the taking thereof, without concealment of, or detaining or embezzelling the same ; but in case any person or persons shall forfeit his or their recognizance of the peace behaviour, or appearance for any cause whatsoever, then the recognizance so forfeited, with the record of the default, or cause of the forfeiture, shall be

sent and certified without delay by the justices of the peace, into the said general court, or court of oyer & terminer, as the case may require, that thence process may issue against the said parties according to law, all which forfeitures shall be levied by the proper officers, and go to the use of the said district.

§ 4th. And be it further enacted, That all fines and amercements which shall be laid before the said courts of general quarter sessions of the peace, shall be taxed, assessed & set, duly and truly, according to the quality of the offence, without partiality or affection and shall be yearly estreated by the clerks of the said courts respectfully, into the said general court or court of oyer and terminer, to the intent that process may be awarded to the sheriff of every district as the case may require, for levying such of their fines and amercements as shall be unpaid, to the uses for which they are or shall be appropriated.

§ 5th. And be it further enacted, That the said courts of the general quarter sessions of the peace, may be kept and continued for the space of three legal days, or seventy-two hours, in every of the said districts respectively at any of the said times herein before appointed, to hold and keep the said court and sessions.

§ 6th. And be it further enacted, That to the end that persons indicted or outlawed, for felonies or other offences, in any district or town corporate, who dwell, remove or

may be received into any other district or town corporate, may be brought to justice, it is hereby directed that the justices or any of them, shall and may direct their writs or precepts to all or any of the sheriffs or other officers of the said districts, (where need shall be) to take such persons indicted or outlawed, and it shall and may be lawful to and for the said justices, and every of them to issue forth subpœnas and other warrants under their respective hands and seal, of the district into any other district within this district for summoning or bringing any person or persons to give evidence in and upon any matter or cause whatsoever, now or hereafter examinable or in any ways triable by or before them, or any of them, under such pains and penalties as subpœnas or warrants of that kind usually are or ought by law to be granted or awarded.

§ 7th. And be it further enacted, That if any person or persons shall find him or themselves aggrieved by the judgment of any of the said courts of general quarter sessions of the peace or of any other court of record within this district, it shall and may be lawful to and for the party or parties so aggrieved to appeal from the said judgment under the restrictions and regulations of the law to regulate the practice of the general court upon appeals & writs of error, or to have his or their writ or writs of error, which shall be granted of course in manner as other writs are to be

granted and made returnable to the general court.

§ 8th. And be it further enacted, That there shall be holden and kept twice in every year a supreme court of record, which shall be called and stiled the general court; the sittings of which court, to commence at St. Louis, on the first Tuesdays in May and the last Tuesday's in October yearly and every year, and the judges of the said court, and every of them, shall have power when and as often as there may be occasion to issue forth writs of Habeas Corpus, Certiorari, and writs of error, and all remedial and other writs & process returnable to the said court and grantable by the said judges by virtue of their office.

§ 9th. And be it further enacted That the said judges or any two of them, shall in their said court hear and determine all causes matters and things cognizable in the said court, and also hear and determine all and all manner of pleas, plaints, and causes which shall be removed or brought there from the respective general quarter sessions of the peace, and courts of common pleas, or from any other court to be holden for their respective districts, and to examine and correct all and all manner of errors of judgments, process and proceedings in the said courts, as well in all pleas real, personal & mixed, and thereupon to reverse or affirm the said judgments as the law doth or shall direct, and also

to examine correct and punish the contempts omissions and neglects favors corruptions and defaults of all or any of the justices of the peace sheriffs coroners clerks and other officers, within the said respective districts and also shall award process for levying as well of such fines forfeitures and amercements as shall be estreated into the general court, as of the fines forfeitures and amercements, which shall be lost taxed and set there and not paid to the uses to which they are or shall be appropriated and generally shall minister ample justice to all persons, and amply exercise the jurisdictions and powers herein mentioned, concerning all and singular the premises according to law.

§ 10th. And be it further enacted, That all the said writs shall run in the name and style of the United States of America, and bear teste in the name of the chief justice or presiding judge and shall be sealed with the judicial seal of the said court, and made returnable to the next court after the date of such writs.

§ 11th. And be it further enacted, That the judges of the general court, have power from time to time to deliver the jails of all persons who now are, or hereafter shall be committed for treasons murders and such other crimes as by the laws of this district now are, or hereafter shall be made capital, or felonies of death as aforesaid and for that end, from time to time, to issue forth such necessary

precepts and process, and force obedience thereto, as justices of the assize, justices of oyer and terminer, and of jail delivery, may or can do, within the United States.

§ 12th. And be it further enacted, That the said court shall have jurisdiction in all criminal cases, and exclusive jurisdiction in all those which are capital, and original jurisdiction in all civil cases of the value of one hundred dollars and upwards, and appellate jurisdiction in all cases.

§ 13th. And be it further enacted, That in all criminal prosecutions which may be brought into any of the courts of the district the trial shall be by a jury of twelve good and lawful men of the vicinage, and in all civil cases the trial shall be by jury if either of the parties require it, and all cases where neither of the parties shall require a jury the law and fact shall be determined and damages assessed by the court and execution awarded as in other cases. That the party requiring a jury shall by himself or his attorney signify such requisition in the rule book at the rule day succeeding the filing the declaration by the plaintiff in the cause.

§ 14th. And be it further enacted, That in all cases whatsoever civil criminal and mixed the parties shall be heard by counsel, & shall have compulsory process to bring their witnesses who shall be examined viva voce in open court.

§ 15th. And be it further enacted, That

in order to compel the due attendance of jurymen on the said general court, and all other courts within this district, it is hereby declared, that if any person shall be duly summoned to attend any court of judicature, to serve on a jury, or any inquest required by law, and shall neglect or refuse to give his attendance on the day and during the time his service is necessary, every such person so offending shall be fined for every such offence in the general court, and court of oyer and terminer, by the judges thereof, any sum not exceeding eight dollars, and for every such offence in the court of common pleas, or court of quarter sessions of the peace, for any district within this district, by the justices thereof any sum not exceeding five dollars, unless such delinquent shall at the same, or next succeeding court render to the judges or justices thereof a reasonable excuse for such neglect or refusal, to be allowed by such of them as shall be present, which said judges or justices, are hereby empowered and required on failure of such delinquent to render such reasonable excuse to issue a writ to the sheriff of the district to levy the said fines on the goods and chattels of every such delinquent, to be paid to the clerks of the several courts of quarter sessions, common pleas and general court respectively and by the said clerks to the district treasurer, for the use of the district.

§ 16th, And be it further enacted, That

a competent number of persons shall be commissioned by the governor, under the seal of the as justices of the common pleas who shall hold and keep a court of record in every district, and which shall be styled and called the court of common pleas of (naming the particular district) and shall be holden four times in every year, in each district, at the place where the general quarter sessions of the peace shall be respectively kept, which said justices, or any three of them, according to the tenor and directions of their commissions, shall hold pleas of assize, scire facias replevins, and hear and determine all and all manner of pleas, suits, actions and causes, civil personal real and mixed according to law.

§ 17th. And be it further enacted, That every of the said justices shall and are hereby empowered to grant under the seal of their respective courts, replevins writs of partition, writs of view, and all other writs and process upon the pleas and actions cognizable in the said respective courts, as occasion may require.

§ 18th. And be it further enacted, That the said justices of the said respective courts last mentioned shall and hereby empowered to issue forth subpoenas under their respective hands and seal of the court into any district or place within this district, for summoning or bringing any person or persons to give evidence in, or upon the trial of any matter

or cause whatsoever depending before them or any of them, under such pains and penalties as by the rules of the common law, and course of the practice of the general court are usually appointed.

§ 19th. And be it further enacted, That upon any judgment obtained in any of the said courts of common pleas, and execution returned by the sheriff or coroner of the proper district where such judgment was obtained, that the party is not to be found, or hath no lands and tenements goods or chattels in that district, and thereupon it is testified that the party skulks or lies hid, or hath lands tenements goods or chattels in another district, within this district it shall and may be lawful to, and for the court that issued out such execution, to grant and they are hereby required to grant an alias execution, with a testatum, directed to the sheriff or coroner of the district or place where such person lies hid, or where his lands, or effects are commanding him to execute the same according to the tenor of such writ or writs and make return thereof to the court of common pleas where such recovery is had, or judgment given, and if the sheriff or coroner to whom such writ or writs shall be directed, shall refuse or neglect to execute and return the same accordingly he shall be amerced in the district where he ought to return it and be liable to the party grieved, and the said amerce-

ment shall be truly and duly set according to the quality of the offence and estreated by the prothonotaries of the respective courts of commonpleas into the next succeeding general court or court of oyer and terminer, in course, that thence process may issue against the offenders for levying such fines and amercement as shall be unpaid to the uses for which they are or may be appropriated.

§ 20th. And be it further enacted, That the courts of common pleas in each district, shall commence their term on the same day as is herein directed for the commencement of the courts of general quarter sessions of the peace.

§ 21st. And be it further enacted, That all suits actions and causes before the general court or the courts of common pleas and general quarter sessions of the peace that shall be undetermined shall be continued over to the next respective term ensuing under the authority of this law.

§ 22nd. And be it further enacted, That all actions suits process and pleadings together with all papers and evidences thereunto belonging which are or shall be pending and undetermined before any commandant before the date hereof shall be delivered by the commandants of the subordinate districts to the prothonotaries of said districts hereafter to be appointed. And those in the hands of the first commandant shall be delivered to the clerk of the general court hereafter to

be appointed, and it shall be the duty of the said commandants to certify under their hands and seals the true situation of the suits and actions pending before them, and it shall be the duty of the several prothonotaries of the districts and the duty of the clerk of the general court to place the actions and suits so certified to them in such order on their dockets as to bring them to issue and trial within as short a space of time as they would have been brought to trial had they remained before the said commandants, and where judgment has been obtained before any of the said commandants the clerk of the general court or any prothonotary of a district to which the judgments may be removed shall have power and authority to issue execution thereon in the same manner as if judgment had been obtained in his own court, and all other records and papers belonging to any judgment obtained before any commandant shall be delivered by the commandants to the prothonotaries of each district respectively.

§ 23rd. And be it further enacted, That all state or governmental papers in the hands of any commandant in the district shall be delivered to the secretary of the district, or to such other person as the governor may appoint, who shall give a receipt therefor if necessary. And that all wills or other instruments in writing of the nature of wills, now in the possession of any commandant or

other officer of the former government, shall by such commandant or officer be delivered to the judge of probate of the district where such papers are now deposited. And that all patents, grants, mortgages and conveyances of real estate which may be in the possession of any commandant or other officer of the former government shall by such commandant or officer be delivered to the recorder of the district in which such papers are now deposited or in which such land lies.

§ 24th. And be it further enacted, That the clerk of the general court, and the prothonotaries of the inferior courts shall be and they are hereby authorised to issue writs of *capias ad respondendum*, and all other process which by law they are directed to issue, to bear teste the day on which such process shall issue and be made returnable to the next term of their respective courts.

The foregoing is hereby declared to be a law for the district of Louisiana, to take effect accordingly. In testimony whereof, we, William Henry Harrison, governor, and Thomas T. Davis, Henry Vander Burgh, and John Griffin, judges in and over the Indiana Territory, have hereunto set our hands at Vincennes, the first day of October, one thousand eight hundred and four, and of

the Independendence of the United States
the twenty-ninth.

WILLIAM HENRY HARRISON,
THOMAS TERRY DAVIS,
HENRY VANDER BURGH,
JOHN GRIFFIN,

A LAW

Entitled a law, establishing Recorders Offices.

BE it enacted by the governor and judges of the Indiana Territory authorized and empowered by an act of congress, to make laws for the district of Louisiana, and it is hereby enacted by the authority of the same,

§ 1st. That there shall be an office of record in each and every district, which shall be called and styled "The Recorders Office," and shall be kept in some convenient place in the said respective districts; and the recorder shall duly attend the service of the same, and at his own proper costs and charges, and shall provide parchment, or good large books of royal or other large paper, well bound and covered, wherein he shall record, in a fair and legible hand, all deeds and conveyances which shall be brought to him for that purpose according to the true intent and meaning of this law.

§ 2nd. And be it further enacted, That all deeds to be recorded in pursuance of this law, whereby any estate of inheritance, in fee simple, shall hereafter be limited to the

grantor and his heirs, the words 'grant, bargain, sell.' shall be adjudged an express covenant to the grantee, his heirs and assigns; to wit. that the grantor was seized of an indefeasible estate in fee simple, freed from incumbrances done or suffered from the grantor, (except the rents and services, that may be reserved) as also for quiet enjoyment against the grantor, his heirs and assigns, unless limited by express words contained in such deed, and that the grantee, his heirs, executors, administrators and assigns, may in any action assign breaches, as if such covenants were expressly inserted. Provided always, that this law shall not extend to leases at rack rent, or to leases not exceeding one and twenty years, where the actual possession goes with the lease.

§ 3rd. And be it further enacted That if any person shall forge any entry of the acknowledgements, certificates or endorsements, whereby the freehold or inheritance of any man may be charged, he shall be liable to the penalties against forgers of false deeds. And if any person shall perjure himself, in any of the cases here mentioned, he shall incur the like penalties as if the oath or affirmation had been in any court of record.

§ 4th. And be it further enacted, That every mortgagee of any real or personal estate in this district having received full satisfaction and payment of all sum and sums

of money as are really due to him, by such mortgage shall at the request of the mortgager enter satisfaction upon the margin of the record of such mortgage, recorded in the said office, which shall forever thereafter discharge defeat and release the same, and shall likewise bar all actions brought or to be brought thereupon.

§ 5th. And be it further enacted, That if such mortgagee by himself or his attorney shall not within three months after request and tender made for his reasonable charges repair to the said office, and there make acknowledgement as aforesaid; he she or they neglecting so to do, shall for every such offence forfeit and pay unto the party or parties aggrieved any sum not exceeding the mortgage money; to be recovered in any court of record by bill plaint or information.

§ 6th. And be it further enacted, That there shall be appointed a recorder in every district now or hereafter to be erected. But before any of the said recorders enter upon any of their said offices they shall become bound to the governor and his successors with one or more sufficient sureties in a bond for fifteen hundred dollars, conditioned for the true and faithful execution of his office, and for delivering up the records and other writings belonging to the said office, whole, safe and undefaced to his successor in the said office, which said respective bonds, shall be filed in the secretarys office, and there safely

kept, to be made use of for making satisfaction to the parties that shall be damnified or aggrieved, as is or shall be in such cases directed by law.

§ 7th. And be it further enacted, That no recorder whatsoever, now or hereafter appointed as aforesaid, shall enter upon, or officiate in his said office before he hath given such security as aforesaid, upon pain of forfeiting the sum of three hundred dollars, one half to the district, and the other half to him or them who shall sue for the same, to be recovered as aforesaid.

§ 8th. And be it further enacted, That all deeds and conveyances which shall be made and executed within this district of or concerning any lands tenements or hereditaments therein or whereby the same may be any way effected in law or equity, shall be acknowledged by one of the grantors or bargainners, or proved by one or more of the subscribing witnesses to such deed before one of the judges of the general court, or before one of the justices of the court of common pleas of the district where the lands conveyed lies, and shall be recorded in the recorder's office of the district where such lands or hereditaments are lying and being within twelve months after the execution of such deed or conveyances, and every such deed and conveyance, that shall at any time after the publication hereof be made & executed & which shall not be proved and record-

ed as aforesaid, shall be adjudged fraudulent and void against any subsequent purchaser, or mortgagee for a valuable consideration, unless such deed or conveyance be recorded as aforesaid before the proving and recording of the deed or conveyance under which such subsequent purchaser or mortgagee shall claim.

§ 9th. And be it further enacted, That where the grantors and witnesses of any deed or conveyance are deceased or cannot be had it shall and may be lawful to and for the judges of the general court, or any justices of the court of common pleas of the district where the land lies, to take the examination of any witness or witnesses on oath or affirmation to prove the hand writing of such deceased witness or witnesses, or where such proof cannot be had then to prove the hand writing of the grantor or grantors, which shall be certified by the judge or justice before whom such proof shall be made, and such deed or conveyance, being so proved shall be recorded as is usual, in other cases directed above by this law.

§ 10th. And be it further enacted, That every recorder shall keep a fair book in which he shall immediately make an entry, of every deed or writing brought into his office to be recorded, mentioning therein the date, the parties, and place, where the lands tenements, or hereditaments granted

or conveyed by the said deed or writing are situate, dating the same entry on the day on which such deed or writing was brought into his office : and shall record all such deeds and writings in regular succession according to their priority or time in being brought into the said office : and shall also immediately give a receipt to the person bringing in such deed or writing to be recorded bearing date on the same day with the entry, and containing the abstract aforesaid for which entry and receipt he shall take or receive no fee or reward whatever, and if any recorder shall record any deed or writing before another first brought into his office to be recorded or in any other manner than is herein directed, or shall neglect or refuse to make such an entry, or to give such a receipt as is herein before directed, or shall directly or indirectly take or receive any fee or reward for such entry and receipt, or either of them he shall forfeit and pay for every such offence a sum not exceeding three hundred nor less than one hundred dollars, one half to the use of the district and the other half to him or them that shall sue for the same, to be recovered in any court of record by action of debt, bill or plaint, wherein no esson protection or wager of law, or more than one imparlance shall be granted.

The foregoing is hereby declared to be a law for the district of Louisiana, to take effect accordingly. In testimony whereof,

we, William Henry Harrison, governor, and Thomas T. Davis, Henry Vander Burgh, and John Griffin, judges in and over the Indiana Territory, have hereunto set our hands at Vincennes, the first day of October, one thousand eight hundred and four, and of the Independence of the United States the twenty-ninth.

WILLIAM HENRY HARRISON,
THOMAS TERRY DAVIS,
HENRY VANDER BURGH,
JOHN GRIFFIN,

A LAW

Entitled a law, respecting Slaves.

BE it enacted by the governor and judges of the Indiana Territory authorised and empowered by an act of congress, to make laws for the district of Louisiana, and it is hereby enacted by the authority of the same,

§ 1st. That no negro or mulatto, shall be a witness, except in pleas of the United States against negroes or mulattoes, or in civil pleas where negroes alone shall be parties.

§ 2nd. And be it further enacted, That no slave shall go from the tenements of his master, or other person with whom he lives without a pass, or some letter or token, whereby it may appear that he is proceeding by authority from his master, employer or overseer if he does it shall be lawful for any person to apprehend and carry him before a

justice of the peace to be by his order punished with stripes, or not, in his discretion.

§ 3rd. And be it further enacted That if any slave shall presume to come, and be upon the plantation of any person whatsoever, without leave in writing from his or her owner or overseer, not being sent upon lawful business, it shall be lawful for the owner or overseer of such plantation, to give or order such slave ten lashes on his or her bare back for every such offence.

§ 4th. And be it further enacted, That no slave or mulatto whatsoever, shall keep or carry any gun, powder, shot, club, or other weapon whatsoever, offensive or defensive, but all and every gun weapon and ammunition found in the possession or custody of any negro or mulatto, may be seized by any person, and upon due proof thereof made before any justice of the peace of the district where such seizure shall be, shall by his order be forfeited to the seizer, for his own use, and moreover every such offender shall have and receive by order of such justice any number of lashes not exceeding thirty-nine on his or her bare back, well laid on for every such offence.

§ 5th. And be it further enacted, That every free negro or mulatto, being a house keeper, may be permitted to keep one gun, powder and shot ; and all negroes and mulattoes, bond or free, living at any frontier plantation, may be permitted to keep and use

guns, power, shot and weapons, offensive & defensive, by licence from a justice of peace of the district wherein such plantation lies, to be obtained upon the application of free negroes or mulattoes, or of the owners of such as are slaves.

§ 6th. And be it further enacted, That every person other than a negro, whose grand father or grand mother any one is, or shall have been a negro, although all his other progenitors except that descending from the negro, shall have been white persons, shall be deemed a mulatto, and so every such person who shall have one fourth part or more, of negro blood, shall in like manner be deemed a mulatto.

§ 7th. And be it further enacted, That all riots, routs, unlawful assemblies and seditious speeches by a slave, or slaves, shall be punished with stripes, at the discretion of a justice of the peace, and he who will may apprehend and carry him, her or them before such justice.

§ 8th. And be it further enacted, That to prevent the inconvenience arising from the meetings of slaves, if any master mistress or overseer of a family shall knowingly permit or suffer any slave not belonging to him or her, to be and remain upon his or her plantation, above four hours at any one time, without leave of the owner or overseer of such slave, he or she so permitting shall forfeit and pay three dollars for every such of-

fence, and every owner overseer of a plantation, who shall so permit or suffer more than five negroes or slaves, other than his or her own, to be and remain upon his or her plantation, or quarter at any other time shall forfeit and pay one dollar for each negro or slave above that number, which said several forfeitures shall be to the informer, and be recoverable before any justice of the peace of the district with costs where such offence shall be committed. Provided always, that nothing herein contained, shall be construed to prohibit the negroes or slaves of one and the same owner, though seated at different quarters from meeting with their owner or overseers leave, upon any plantation to such owner belonging, nor to restrain the meeting of slaves on their owners or overseers' business at any public mill so as such meeting be not in the night time, nor on a Sunday, nor to prohibit their meeting on any other lawful occasion, by license in writing from their owner or overseer nor their going to church and attending divine service on the Lord's day nor any other day of public worship.

§ 9th. And be it further enacted, That if any white person, free negro or mulatto, shall at any time be found in company with slaves at any unlawful meeting, or shall harbour or entertain any slave, without the consent of his or her owner, such person being thereof convicted before any justice of the peace, shall forfeit and pay three dollars for

every such offence to the informer, recoverable with costs, before such justice, or on failure of present payment, shall receive on his or her bare back, twenty lashes well laid on, by order of the justice before whom such conviction shall be.

§ 10th. And be it further enacted, That every justice of the peace upon his own knowledge of such unlawful meeting, or information thereof to him made within ten days after, shall issue his warrant to apprehend such persons so met or assembled, and cause them to be brought before himself or any other justice of the district, to be dealt with as this act directs, and every justice failing herein shall forfeit and pay eight dollars for every such failure, and every sheriff or other officer who shall fail upon knowledge or information of such meeting to endeavour to suppress the same and bring the offenders before some justice of the peace to receive due punishment, shall be liable to the like penalty of eight dollars, both which penalties shall be to the informer, and recoverable with costs in any district court, by action of debt, and every under sheriff, serjeant or constable who upon knowledge or information of such meeting shall fail to perform his duty in suppressing the same, & apprehending the persons so assembled shall forfeit and pay four dollars for every such failure, to the informer recoverable with costs before any justice of the district.

§ 11th. And be it further enacted, That

no person whatsoever shall buy sell or receive of to or from a slave any commodity whatsoever, without the leave or consent of the master or owner or overseer of such slave. And if any person shall presume to deal with any slave without such leave or consent, he or she so offending shall forfeit and pay to the master or owner of such slave four times the value of the thing so bought sold or received to be recovered with costs by action upon the case in any court of record within this district and shall also forfeit and pay the further sum of twenty dollars to any person who will sue for the same, to be recovered with cost in any court within this district having jurisdiction, or receive on his or her bare back thirty-nine lashes well laid on, but shall nevertheless be liable to pay the costs of the suit.

§ 12th. And be it further enacted, That if any negro or mulatto, bond or free, shall at any time lift his or her hand in opposition to any person not being a negro or mulatto, he or she so offending shall for every such offence proved by the oath of the party before any justice of the peace of the district where such offence shall be committed receive such punishment as the justice shall think proper not exceeding thirty lashes on his or her bare back well laid on, except in those cases when it shall appear to such justice, that such negro or mulatto was wantonly assaulted and lifted his or her hand in his or her defence,

§ 13th. And be it further enacted, That whereas many times slaves run-away and lie hid and lurking in swamps, woods and other obscure places ; killing hogs and committing other injuries to the inhabitants of this district, in all such cases, upon intelligence given of two or more slaves lying out as aforesaid, any two justices of the peace of the district wherein the slaves are supposed to lurk or do mischief shall be and are empowered and required, by warrant reciting their names and owners names, if known, to direct the sheriff of the said district to take such power with him, as he shall think fit and necessary for the effectual apprehending such out lying slave or slaves and go in search of them, and upon their being apprehended to commit them to the jail of his district for further trial.

§ 14th. And be it further enacted, That if any negro or other slave shall at any time consult advise, or conspire to rebel or make insurrection, or shall plot or conspire the murder of any person or persons whatsoever every such consulting plotting or conspiring shall be adjudged and deemed felony, and the slave or slaves convicted thereof shall suffer death and be utterly excluded all benefit of clergy.

§ 15th. And be it further enacted, That if any negro or other slave, shall prepare exhibit or administer any medicine

whatsoever, he or she so offending shall be judged guilty of felony and suffer death without benefit of clergy.

§ 16th. Provided always, That if it shall appear to the court before whom such slave shall be tried that the medicine was not prepared exhibited or administered, with an ill intent, nor attended with any bad consequences such slave shall be acquitted.

§ 17th. Provided also, That nothing herein contained shall be construed, to extend to any slave or slaves administering medicine by his or her master's or mistress's order in his or her family or the family of another with the mutual consent, of the owner of such slave and the master and mistress of such family.

§ 18th. And be it further enacted, That if any master or owner of a slave shall license such slave to go at large, and trade as a free man, the master or owner shall forfeit and pay the sum of thirty dollars for the use of the poor of such district where such slave shall be found going at large, and trading as aforesaid, to be recovered by the overseers of the poor by action of debt in any court of record within this district, and if after conviction such slave shall be found going at large and trading the master or owner shall again be liable to the like penalty to be recovered as aforesaid, and, so as often after conviction as such slave shall be found going at large and trading.

§ 19th. And be it further enacted, That if any person shall permit or suffer his or her slave to go at large or hire him or herself out it shall be lawful for any person to apprehend and carry such slave before any justice of the peace in the district where apprehended, and if it shall appear to the justice that such slave comes within the purview of this act, he shall order him or her to the jail of the district there to be safely kept until the next court, when, if it shall be made appear to the court that the slave so ordered to jail hath been permitted or suffered to hire him or herself out, contrary to the meaning of this act, it shall be lawful for the court and they are hereby required to order the sheriff or other officer of the district, notice being given by the sheriff or other officer at the court house door at least twenty days before the sale, to sell and dispose of every such slave for ready money.

§ 20th. And be it further enacted, That twenty-five per centum upon the amount of the sale of every slave so going at large, or hiring out himself or herself, shall be applied by the court ordering such sale towards lessening the district levy, and the residue shall be paid by the sheriff or other officer, after deducting five per centum for his trouble, and the jailors fees to the owner of such slave.

§ 21st. And be it further enacted, That if any person shall hereafter be guilty of stealing or selling any free person for a slave,

knowing the said person so sold to be free, and thereof shall be lawfully convicted, the person so convicted, shall suffer death without the benefit of clergy.

§ 22nd. And be it further enacted, That if any person or persons shall steal any negro or mulatto whatsoever, out of, or from the possession of the owner or overseer of such slave, the person or persons so offending shall be, and are hereby declared felons, and shall suffer death without benefit of clergy.

§ 23rd. And be it further enacted, That it shall be lawful for any person by his or her last will and testament or any other instrument in writing, under his or her hand and seal, attested and proved in the district court by two witnesses, or acknowledged by the party in the court of the district where he or she resides, to emancipate and set free his or her slave, or any of them, who shall thereupon be fully and entirely discharged from the performance of any contract entered into during servitude, and enjoy as full freedom as if they had been particularly named and freed by this act. Provided always, That all slaves so emancipated shall be liable to be taken by execution to satisfy any debt contracted by the person emancipating them, before such emancipation is made. Provided also, that all slaves so set free, not being in the judgment of the court of sound mind and body, or being above the age of forty-five years, or being males under the age of twen-

ry one, or females under the age of eighteen years, shall be respectively supported and maintained by the person so liberating them, or by his or her estate; and upon neglect or refusal so to do, the court of the district where such neglect or refusal may be, is hereby empowered and required, upon application to them made, to order the sheriff or other officer, to distrain and sell so much of the persons estate, as shall be sufficient for that purpose. And provided also, that every person by written instrument in his lifetime, or if by last will and testament, the executors of every person freeing any slave shall cause to be delivered to him or her, a copy of the instrument of emancipation, attested by the clerk of the court of the district, who shall be paid therefor by the person emancipating eighty three cents, to be collected in the manner of other clerks fees, every person neglecting or refusing to deliver to any slave by him or her set free, such copy shall forfeit and pay thirty dollars; to be recovered with costs in any court of record, one half thereof to the person suing for the same, and the other to the person to whom such copy ought to have been delivered.

§ 24th. And be it further enacted, That it shall be lawful for any justice of the peace to commit to the jail of his district, any emancipated slave travelling out of the district of his residence, without a copy of the instrument of his or her emancipation, there to

remain until such copy is produced and the jailors fees paid.

§ 25th. And be it further enacted That in case any slave so liberated, shall neglect in any year to pay all taxes and levies imposed, or to be imposed by law, the court of the district, shall order the sheriff or serjeant, to hire out him or her, for so long time as will raise the taxes and levies, provided sufficient distress cannot be made upon his or her estate.

§ 26th. And be it further enacted, That saving nevertheless to all and every person and persons, bodies politic or corporate, and their heirs and successors, other than the person or persons claiming under those so emancipating their slaves, all such right and title as they, or any of them could or might claim, if this act had never been made.

§ 27th. And be it further enacted, That all negroes and mulatto slaves in all courts of judicature within this district shall be held taken and adjudged to be personal estate.

§ 28th. And be it further enacted, That if any widow possessed of a slave or slaves as of the dower of her husband shall remove or voluntarily permit to be removed out of this district such slave or slaves, or any of their increase without the consent of him or her in reversion, such widow shall forfeit all and every such slave or slaves, all other the dower which she holds of the endowment of her husband's estate unto the person or persons that shall have the reversion thereof; any

law custom or usage to the contrary notwithstanding.

§ 29th. That And be it further enacted, That if any widow possessed as aforesaid shall be married to a husband, who shall remove or voluntarily permit to be removed, out of this district, any such slave or slaves, or any of their increase without the consent of him or her in reversion, in such case it shall be lawful for him or her in reversion to enter into, possess and enjoy all the estate which such husband holdeth in right of his wife's dower for and during the life of the said husband.

§ 30th. And be it further enacted, That where one or more slaves shall descend from a person dying intestate and an equal division thereof cannot be made in kind, on account of the nature of the property it shall be lawful for the general court, or the court of the district by which the administration to the estate of the intestate was granted, to direct the sale of such slave or slaves and the distribution of the money arising therefrom according to the rights of each claimant : Provided always, that each claimant shall be duly summoned to shew cause if any he can against such sale.

§ 31st. And be it further enacted, That no gift or gifts of any slave or slaves shall be good or sufficient to pass any estate in such slave or slaves, to any person or persons whatsoever unless the same be made by will duly proved and recorded, or by deed in writing

to be proved by two witnesses at the least, or acknowledged by the donor and recorded in the district court, where one of the parties lives within eight months after the date of such deed or writing.

§ 32nd. And be it further enacted, That this act shall be construed to extend only to gifts of slaves whereof the donors have notwithstanding such gifts remained in the possession, and not gifts of such slaves as have at any time come into the actual possession of, and have remained with the donee, or some person claiming under such donee.

§ 33rd. And be it further enacted, provided always, That nothing in this act contained shall be construed to alter any adjudication heretofore made, nor to effect the interest of any bona fide purchaser for a valuable consideration, or creditor of the donor before the donee hath been at least three years in possession of such slave or slaves under such gift.

§ 34th. And be it further enacted, That no master of any ship or any other vessel, shall transport or carry any servant, whatsoever, or any negro or mulatto, or other slave out of this district without the consent or permission of the person or persons to whom such servant or slave doth of right belong upon penalty of forfeiting and paying one hundred and fifty dollars for every servant or slave transported or carried hence, contrary to this act ; one moiety to the district, and the other moiety to the owner of

such servant or slave, to be recovered with costs, by action of debt or information in any court of record in this district and moreover such master shall be liable to the suit of the party grieved at the common law for his or her damages.

§ 35th. And be it further enacted, That in any action which shall be brought against the master of a ship or vessel under this act, the court wherein the same shall be depending may rule the defendant to give special bail if they see cause and shall not allow him to plead in bar or give in evidence any act or statute of limitation any former or other law to the contrary notwithstanding.

The foregoing is hereby declared to be a law for the district of Louisiana, to take effect accordingly. In testimony whereof, we, William Henry Harrison, governor, and Thomas T. Davis, Henry Vander Burgh, and John Griffin, judges in and over the Indiana Territory, have hereunto set our hands at Vincennes, the first day of October, one thousand eight hundred and four, and of the Independence of the United States the twenty-ninth.

WILLIAM HENRY HARRISON,
THOMAS TERRY DAVIS,
HENRY VANDER BURGH,
JOHN GRIFFIN,

A LAW

Entitled a law of defalcation.

BE it enacted by the governor and judges of the Indiana Territory authorised and empowered by an act of congress, to make laws for the district of Louisiana, and it is hereby enacted by the authority of the same,

§ 1st. That if two or more, dealing together be indebted to each other upon bonds, bills, bargains, promises, accounts or the like, and one of them commence an action in any court; if the defendant cannot gainstay the deed bargain, or assumption upon which he is sued it shall be lawful for such defendant, to plead payment of all, or part of the debt or sum demanded; and give any bond, bill receipt, account or bargain in evidence and if it shall appear, that the defendant hath fully paid or satisfied the debt or sum demanded, the jury shall find for the defendant, and judgment shall be entered, that the plaintiff shall take nothing by his writ, and shall pay the costs. And if it shall appear, that any part of the sum demanded be paid, then so much as is found to be paid shall be defaulted; and the plaintiff shall have judgment for the residue, only, with costs of suit. But if it shall appear to the jury that the plaintiff is overpaid, then they shall give in their verdict for the defendant, and with all certify to the court, how much they find the plaintiff to be indebted, or in arrear to the

defendant, more than will answer the debt or sum demanded; and the sum or sums so certified shall be recorded with the verdict, and shall be deemed as a debt of record; and if the plaintiff refuse to pay the same the defendant for recovery thereof, shall have a scire facias against the plaintiff in the said action and have execution for the same, with the costs of that action.

§ 2nd. And be it further enacted, Provided always, That in all actions where a tender shall be made, and full payment be offered by discount or otherwise, in such specie as the party, by contract or agreement, ought to do, and the party to whom such tender shall be made, doth refuse the same, and yet afterwards will sue for the debt or goods so tendered, the plaintiff shall not recover any costs in such suit.

§ 3rd. And be it further enacted, provided also, That in all cases where the plaintiff and defendant having accounts to produce one against another, shall by themselves or attornies or agents, consent to a rule of court for referring the adjustment thereof to certain persons mutually chosen by them in open court, (the award or report of such referees being made according to the submission of the parties, approved of by the court, and entered upon the record or roll,) shall have the same effect, and be deemed and taken to be as available in law, as a verdict given by twelve men; and the party to whom any sum

or sums of money are hereby awarded to be paid, shall have judgment or a writ facias for the recovery thereof as the case may require, & as is herein before directed concerning sums found and settled by a jury, any law or usage to the contrary in any wise notwithstanding.

The foregoing is hereby declared to be a law for the district of Louisiana, to take effect accordingly. In testimony whereof, we, William Henry Harrison, governor, and Thomas Terry Davis, Henry Vander Burgh and John Griffin, judges in, and over the Indiana Territory have hereunto set our hands at Vincennes, the first day of October, one thousand eight hundred and four, and of the Independence of the United States, the twenty ninth.

WILLIAM HENRY HARRISON,
THOMAS TERRY DAVIS,
HENRY VANDER BURGH
JOHN GRIFFIN.

A LAW *Establishing a court of Probate.*

BE it enacted by the governor and judges of the Indiana Territory authorised and empowered by an act of congress to make laws for the district of Louisiana and it is hereby enacted by the authority of the same.

§ 1st. That there shall be appointed one judge of probate in each district whose duty it shall be to take the proof of last wills and

testaments and to grant letters testamentary and letters of administration and to do and perform every matter and thing that doth or by law may appertain to the probate office, excepting the rendering definitive sentence and final decrees.

§ 2nd. The judge shall hold four sessions in each and every year, and may adjourn from time to time or appoint a special sessions and at such place in the district as he may deem expedient; whenever the circumstances of the people may require it. The sessions for the district of Saint Charles shall be holden at the village of Saint Charles upon the annually— for the district of St. Louis at the town of Saint Louis upon the annually— for the district of St. Genevieve at the village of Saint Genevieve upon the annually— for the district of Cape Girardeau at upon the annually and for the district of New-Madrid at upon the annually. In all cases wherein it shall be necessary to render a definitive sentence, or to render a final decree, and upon a point contested the judge shall call to his assistance two of the justices of the court of common pleas of the same district; who together with the judge shall constitute the court of probate, a majority of whom shall have power to render final sentences and decrees in all matters cognizable before said court: Provided however, that from every definitive sentence & from every

final decree rendered by the court, there may be an appeal to the general court of the district, the appellant giving bond with two sufficient sureties, to prosecute his appeal with effect, which appeal shall be entered upon the second day of the term of the court appealed to, and next to be holden for the district in which the appeal was taken.

§ 3d. The judge previously to his entering upon the duties of his office shall be sworn before the governor to a true and faithful discharge thereof.

§ 4th. The judge shall record last wills and testaments, and make entries of the granting of letters testamentary, and letters of administration ; he shall receive, put on file and carefully preserve all bonds, inventories, accounts, and other documents, necessary to be perpetuated in his office.

§ 5th. All bonds that by this law are, or by law shall be directed to be given in the court of probate, or probate office, shall be made to the judge, and shall be in trust, to and for the use of all persons concerned, or having interest therein ; and the benefit thereof shall be extended from time to time, to, and for the relief of the party injured.

§ 6th. The judge shall deliver a certified copy of any bond taken by him as aforesaid, to any person interested, and requesting the same, and he shall also produce the original bond in court, upon any trial that shall be had for the breach of the conditions thereof

whenever required by such court, and upon refusal or delay herein, the judge shall forfeit and pay to the party injured treble damages. And there shall be appointed a clerk of said court of probate who shall be sworn to a faithful discharge of the duties of his office, before he enters into the execution of the duties thereof; and the clerk shall record all sentences and decrees of the court of probate and make entries and records of all matters proper to be entered and recorded in his office.

The foregoing is hereby declared to be a law of the district, and to take effect accordingly. In testimony whereof, we, William Henry Harrison, governor, and Thomas Terry Davis, and John Griffin, judges in, and over the Indiana Territory, have hereunto caused the seal of the territory to be affixed, and signed the same with our names at Vincennes, the 1st day of October, 1804, and of the Independence of the United States, the twenty ninth.

WILLIAM HENRY HARRISON,
THOMAS TERRY DAVIS
JOHN GRIFFIN.

A LAW

Entitled a law regulating the appointment of constables.

BE it enacted by the governor and judges of the Indiana Territory authorised and empowered by an act of congress to make laws for the district of Louisiana, and it is hereby

enacted by the authority of the same, That it shall be the duty of the general court of quarter sessions of the peace in each and every district to appoint at the session next after the first day of March annually, one or more respectable and confidential persons in each and every district, to serve as constables, and the constables so appointed shall continue in office, by virtue of such appointment for the term of one year, and so long thereafter as may be sufficient for their successor in office, to have notice of their appointment, take the oath and enter on the duties of their office; Provided, that nothing herein contained shall oblige them to serve as constables for a longer time than three months after the expiration of the term of one year as aforesaid.

§ 2nd. And be it further enacted, That every person before they enter upon the duties of his office shall take the following oath or affirmation, I do swear (or affirm as the case may be) that I will faithfully discharge the duties of my office as constable within this district, according to the best of my understanding and abilities. which oath or affirmation shall be taken before the court of quarter sessions of the peace, or before any justice of the said court, and the justice administering such oath (if out of court) shall make a certificate thereof and cause the same to be filed with the clerk of the sessions, by which such constable shall

be the duty of every constable, as far as in him lies, to apprehend and bring to justice all felons, and disturbers of the peace, to suppress all riots, routs & unlawful assemblies & to keep & preserve the peace within the district in which he shall have been appointed, and also to serve and execute all warrants, writs, precepts and other process, to him lawfully directed, and generally to do and perform all things appertaining to the office of constable within this district.

§ 3rd. And be it further enacted, That every person who shall be appointed to the office of constable in manner aforesaid within this district and who shall not within eight days after notice of such appointment take the oath herein prescribed and every constable who having taken the oath aforesaid, shall refuse or neglect to perform any of the duties appertaining to his office shall forfeit & pay for every such neglect or refusal the sum of twenty dollars to be recovered with costs of suit before any court of record within the district in which such constable resides, in the name of any person who will sue for the same the one half to the use of person suing for the same & the other half to the use of the district. Provided always, that no person shall be liable to the penalty herein specified for not accepting of the appointment of a constable in the same district more than once in the term of ten years.

§ 4th. And be it further enacted, That when any constable in any district within the district appointed as aforesaid, shall die or remove out of the district or shall otherwise be disqualified from holding such office, it shall be the duty of any justice of the peace of the district in which such death, removal or disqualification shall happen to appoint a constable to fill such vacancy and return his name to the next court of quarter sessions to be held for the district, who shall confirm the appointment or appoint another, and the constable so appointed shall take the same oath, and be subject to the same forfeiture for neglect of duty as those appointed by the court : Provided nevertheless that nothing in this act shall be construed so as to prevent any magistrate in the district from appointing any suitable person to act as constable in a criminal case of or in case attachments where there is a probability that the criminal will escape, or where goods and chattles are about to be removed, if delay is made for the purpose of applying to the constable of the district.

The foregoing is hereby declared to be a law for the district of Louisiana, to take effect accordingly. In testimony whereof, we, William Henry Harrison, governor, and Thomas T. Davis, Henry Vander Burgh, and John Griffin, judges in and over the Indiana Territory, have hereunto set our hands at Vincennes, the first day of October, one thousand eight hundred and four, and of

the Independence of the United States
the twenty-ninth.

WILLIAM HENRY HARRISON,
THOMAS TERRY DAVIS,
HENRY VANDER BURGH,
JOHN GRIFFIN,

A LAW

Regulating the Oath of Office.

BE it enacted by the governor and judges of the Indiana Territory authorized and empowered by an act of congress to make laws for the district of Louisiana, and it is hereby enacted by the authority of the same, That every person appointed to any civil office in the district, and commissioned by the governor, shall previous to his entering upon the exercise of his office, take the following oath, viz. I, A B, being appointed to the office of do solemnly swear, that I will, well and truly execute the duties of my said office according to the best of my skill and understanding, without fraud or partiality.—So help me God.

§ 2nd. And be it further enacted, That any person appointed as aforesaid, conscientiously scrupulous of taking an oath, shall make the following affirmation, previously to entering upon the duties of his office, viz. I, A B being appointed to the office of do solemnly, sincerely and truly, declare and affirm, that I will, well and truly execute the duties of my said office, according to the

best of my skill and understanding, without fraud or partiality, and this I declare and affirm under the pains and penalties of perjury.

§ 3rd. And be it further enacted, That all oaths of office, or declarations and affirmations prescribed as aforesaid, shall be taken before the governor or such person or persons as shall by him be appointed and commissioned for that purpose, and certified upon the commission of the person taking the same. And in case of the absence of the governor, the said oath or declaration or affirmation, may be taken before and certified by either of the judges of the district.

The foregoing is hereby declared to be a law for the district of Louisiana, to take effect accordingly. In testimony whereof, we, William Henry Harrison, governor, and Thomas Terry Davis, Henry Vander Burgh and John Griffin, judges in, and over the Indiana Territory have herewith set our hands at Vincennes, the first day of October, one thousand eight hundred and four, and of the Independence of the United States, the twenty ninth.

WILLIAM HENRY HARRISON,
THOMAS TERRY DAVIS,
HENRY VANDER BURGH
JOHN GRIFFIN.

A LAW

To regulate the practice of the general court upon writs of error and for other purposes.

BE it enacted by the governor and judges

of the Indiana Territory authorised and empowered by an act of congress to make laws for the district of Louisiana and it is hereby enacted by the authority of the same. That there shall be no discontinuance of any suit, process, matter or thing returned to, or depending in the general court, although a quorum of judges shall fail to attend at the commencement or any other day of any session; but if a majority of them shall fail to attend at the commencement of any session, any judge of the said court or the sheriff attending the same, may adjourn the said court from day to day, for three days successively and if a quorum shall not attend on the fourth, or having attended one day shall fail to attend on a subsequent day of session, the court shall stand adjourned till the court in course.

§ 2nd. And be it further enacted That execution shall be issued from the general court according to law, and the returns shall be appointed by the said court.

§ 3rd. And be it further enacted, That the general court shall have power to direct the writs summonses, process, forms and modes of proceedings to be issued, observed and pursued by the said general court.

§ 4th. And be it further enacted, That on all writs of error, it shall be lawful for the general court to issue execution, or remit the cause to the inferior court, in order that an execution may be there issued, or that other proceedings may be had thereupon.

§ 5th. And be it further enacted, That no writs of error shall be a superledeas until the plaintiff in error, by himself or a responsible person on his behalf, shall in the clerk's office enter into a recognizance in double the sum recovered in the court below, with one or more sufficient sureties to the defendant in error, to be approved of by the clerk for the due prosecution of the suit in error, & in case of the affirmance of the judgment, to pay the defendant in error the condemnation and costs. That when such surety is given as aforesaid the said clerk shall endorse on the said writ of error, that it shall be a superledeas and it shall be obeyed as such accordingly.

§ 6th. And be it further enacted, That a writ of error shall not be brought after the expiration of five years from the passing the judgment complained of, but where a person thinking himself aggrieved by any decree or judgment which may be reversed in the general court shall be an infant, feme covert, non compos mentis, or imprisoned when the same was passed the time of such disability shall be excluded from the computation of the said five years. Whenever the said general court shall be divided in opinion in hearing any writ of error, the judgment or decree appealed from shall be affirmed.

§ 7th. And be it further enacted, That the clerk of the general court shall carefully preserve the transcript of records certified to

his court, with the bonds for prosecution and all papers relating to them, and other suits depending therein, docketing them in the order he shall receive them, that they may be heard in the same course, unless the court for good cause to them shewn, direct any to be heard out of its turn. The proceedings of every day during the term shall be drawn at full length by the clerk, against the next sitting of the court, and such corrections as are necessary being first made therein, they shall be signed by the presiding judge. When any cause shall be finally determined, the clerk shall make a complete record thereof. And all writs, processes, summonses, issuing from the general court, shall be signed by the clerk of the same, and shall bear test in the name of the chief justice, or presiding judge for the time being.

§ 8th. And be it further enacted, That for good cause the general court or any judge thereof, may grant commissions for the examination of witnesses; and the clerk of the said court, when any witness is about to depart from the said district, or shall by age, sickness or otherwise, be unable to attend the court, or where the claim or defence of any party, or a material part thereof shall depend on a single witness, may upon affidavit thereof issue a commission for taking the deposition of such witness, de bene esse, to be read as evidence at the trial, in case the witness be then unable to attend, but the party ob-

gaining such commission shall give reasonable notice to the other party of the time and place of taking the deposition.

The foregoing is hereby declared to be a law of the district of Louisiana, to take effect accordingly. In testimony whereof, we, William Henry Harrison, governor, and Thomas Terry Davis, Henry Vander Burgh and John Griffin, judges in, and over the Indiana Territory, have hereunto set our hands at Vincennes, the 1st day of October, 1804, and of the Independence of the United States, the twenty ninth.

WILLIAM HENRY HARRISON,
THOMAS TERRY DAVIS
HENRY VANDER BURG.
JOHN GRIFFIN.

ERRATAS.

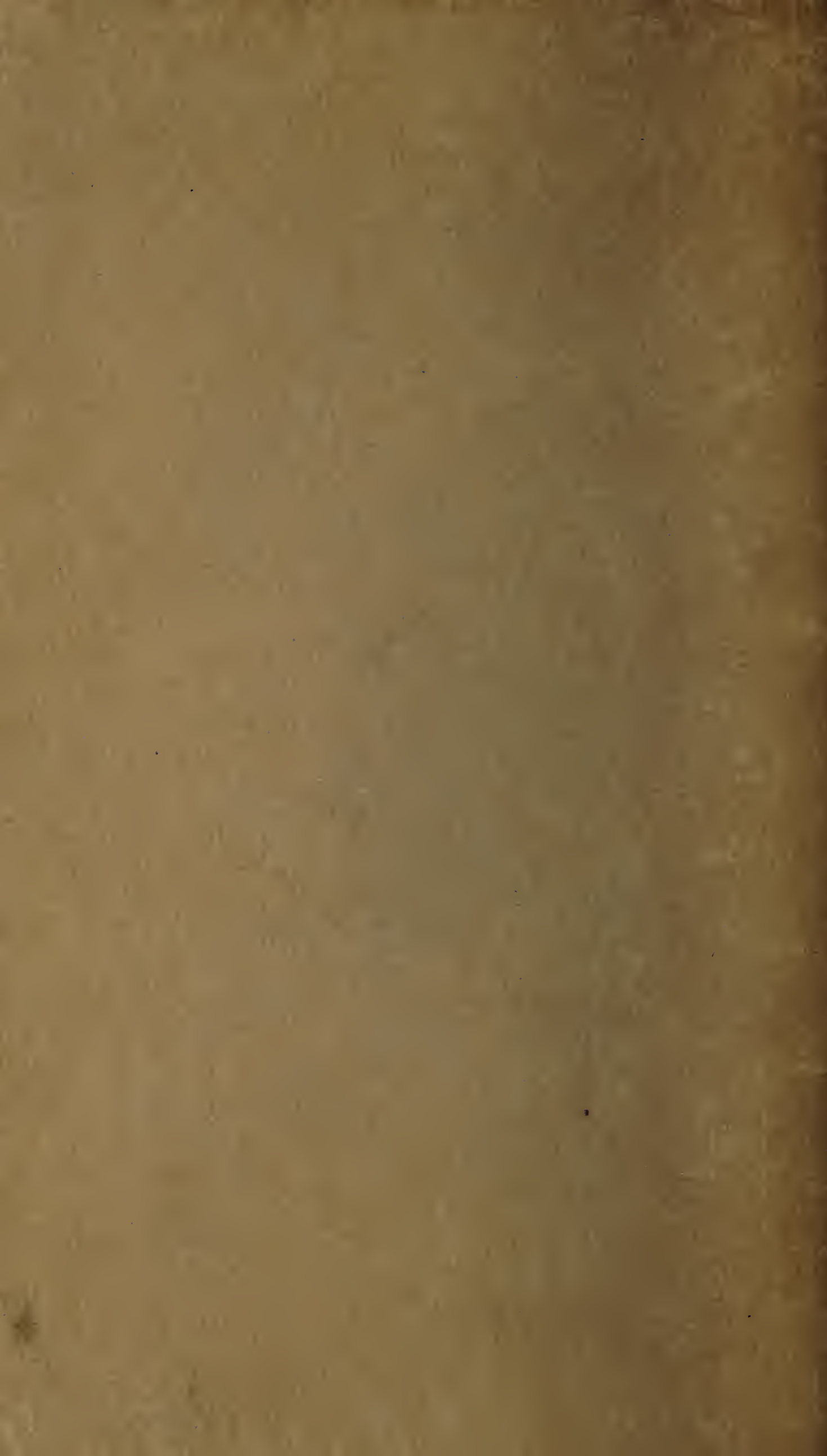
In the 13 page 4 lines from the bottom, read The foregoing is hereby declared to be a law for the district of Louisiana, to take effect accordingly. Page 15. 18 lines from the bottom, read same. Page 14, 2 lines from the top read, first day of October 1804. and of the independence of the United States the twenty-ninth. Page 15, 11 lines from the bottom read the same.

INDIANA TERRITORY, D.

I hereby certify that the foregoing copy of laws passed by the governor and judges for the district of Louisiana has been carefully collated with and rendered strictly conformable to the original on file in the office of the secretary of the Territory.

Jno. Gibson, Secretary.



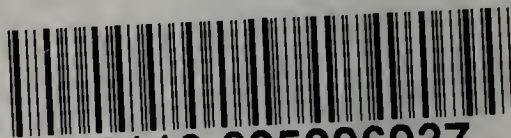




UNIVERSITY OF ILLINOIS-URBANA

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LAWS FOR THE GOVERNMENT OF THE DISTRICT



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